







## THE CRIMINAL



BOOKS BY  
BASIL THOMSON

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QUEER PEOPLE  
THE CRIMINAL

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BY  
BASIL THOMSON

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## PREFACE

THE object of this book is to suggest what I believe to be the only solution of the problem of professional crime, not only in England, but in all countries. In England no less than 87 per cent. of the inmates of the Convict Prisons belong to the professional class. They are the despair of all who are interested in keeping them out of mischief and they are centres of attraction for juvenile recruits who enter the criminal army from love of adventure. The Prevention of Crime Act, 1908, which instituted Preventive Detention, was a counsel of despair, for, as I think, it tackled the problem at the wrong end. If I have strayed into the by-paths of anecdote in my endeavour to produce a picture of the professional criminal as he is—courageous in his exploits, philosophic under the stroke of adversity—it is because I have lived among professional criminals as Governor of convict and local prisons and have thus had an opportunity for knowing them as individuals and in the mass.

My thanks are due to my many colleagues for having taught me the little that I know, and especially to my former chief and schoolfellow, Sir Evelyn Ruggles-Brise, who, besides the many other debts I owe him, has allowed me to quote largely from his books: they are the final authority upon what has been done by the Prison Commissioners to solve the problem.

B. T.



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## CHAPTER I

### THE ORIGIN OF THE MODERN PRISON

CRIME has been defined as an anti-social act. Under this definition the man who rides a bicycle without a light or pulls the communication cord in a railway carriage as a stupid joke is as much guilty of crime as one who knocks down a shop assistant and runs away with the contents of the till. The definition must be narrower. Yet, if crime is defined as the commission of a grave offence, manslaughter is a crime, and men have been convicted of manslaughter who drive a vehicle so carelessly that they have caused the death of a fellow-creature. They committed the act without intention, and in the eye of the ordinary citizen they were not guilty of crime. That brings us to the motive, but here we are met with a new difficulty. Who can divine the secrets of the heart? The only material on which our fallible human judgment can work is the act itself. The matter is further complicated by the question of responsibility, for a certain number of persons who come before the Criminal Courts—not so large a number as is generally supposed—are mentally unstable, though not certifiably insane. When we know so little of the secret temptations and the hidden faults of our intimate friends, how can we expect the Criminal Courts, who have not our advantages, to do more than rough justice? As long as human nature remains what it has always been,



and what it will remain until the race disappears from the globe, it is all that human judges can ever do. If all had their deserts most of us have been guilty some time or other of an "anti-social act" in its wider sense, and all of us, as we have confessed in places of worship every Sunday, are deserving of punishment. It is more difficult to give an answer to the question, "What is crime?" than it is to the question of Pilate, who expected no answer.

The observer who gains the confidence of the inmates of a prison does not feel this difficulty. He may pick out a number of men and women to whom it would be safe to say, "Go and sin no more." He knows better than anyone else that there is no criminal class—unless the term is confined to the men who have adopted crime as their profession—and that you will find undergoing punishment in a prison the same types of character in almost the same variety as you will find in free life outside. The prisoner is of like passions with ourselves, only less restrained, less prudent, and far more unlucky. It is obvious that if detection were as certain as it is that a hand thrust into the fire will be scorched, crime would be rare. One could count upon the fingers the number of prisoners in any prison who would have defied the law under such circumstances.

Until quite late in the Christian Era, the only conception of punishment for crime was deterrence by fear of death or bodily pain. Prisons under the Roman Empire were not places of punishment, but places for detaining prisoners until they could be tried or executed. There is no mention of the *carcer* in the list of Roman penalties—death by hanging, by hurling from the Tarpeian rock, cruci-

fixion, beheading, and drowning in the sack ; exile, or beating with rods.<sup>1</sup> According to the reasoning of that day, a man who had declared war upon society had forfeited his right to belong to it and was better out of the way : society was not called upon to pay for maintaining him upon the doubtful chance that his nature might be regenerated.

It was in the monastic system of the Early Christian Church that the idea of imprisonment as a regenerative punishment first took root. The Church attached great importance to solitude as the first condition of penitence. It was the inspiration of the monastic system. "Solitary confinement," as we understand the phrase, dates from the *Detrusio in Monasterium* of the old Canonical law.<sup>2</sup> Even when the French had all the machinery for keeping men and women in prison they used their buildings for secluding persons who had become obnoxious to the Court under *lettres de cachet*. The Declaration of the Rights of Man in 1789 contained the first suggestion of a methodical system of imprisonment as a penalty for law-breakers. It appeared in the French Code of 1791. Mirabeau is said at this time to have made a report declaring prisons to be "*maisons d'amélioration*" founded on the principle of labour, separation, rewards under a mark system, conditional licence, and aid on discharge.<sup>3</sup> Beccaria had already published his famous treatise against arbitrary, unjust, and savage penalties, and had insisted that every punishment should be limited to what was necessary for the defence of the community

<sup>1</sup> *The English Prison System*, by Sir Evelyn Ruggles-Brise, K.C.B., p. lv.

<sup>2</sup> *Ibid.*, p. v.

<sup>3</sup> *Ibid.*, p. lv. .

against the law-breaker. Before his day there had been sporadic experiments in Europe. In 1593 the Protestants of Amsterdam had built a prison for women who were to be reformed by regular work and religious influences. Experiments of the same kind were made in Germany and the Hanseatic towns. In 1703 Clement XI built the famous prison of St. Michel for young prisoners, and later in the century the cellular prison which called forth John Howard's admiration was built at Ghent.<sup>1</sup>

The modern prison system in England dates from Jeremy Bentham and John Howard. Prison reform began earlier than the reform of our penal laws, of which Sir. S. Romilly was able to say as late as 1817, "the laws of England are written in blood." The extreme savagery of the French criminal law ended with the French Revolution, but more than twenty years later men and women were being executed in England for thefts of more than forty shillings in value. The English conservatism was due, perhaps, partly to a natural disinclination to copy the methods of those who were then our enemies, but there was besides the feeling that unless criminals were either terrorized into good behaviour or removed, they would become the masters of society. This will always be the case in communities with a defective police organization, and at the close of the eighteenth century the detective police were unorganized and inadequate in number. The criminal, and especially the highwayman, was in a sense a popular hero, and the class from which he sprang was at war with those who possessed property and could always be counted upon to shield offenders from the law, especially a

<sup>1</sup> *The English Prison System*, by Sir Evelyn Ruggles-Brise, K.C.B., p. v.

law so pitiless and sanguinary. The life of the working-class in large cities was not such as to attract the adventurous and enterprising, and though to cut a dash generally brought a man to Tyburn before he was twenty-five, he took his last ride in the cart under the admiring eyes of the only audience whose opinion he valued and, as it were, strutted into Eternity.

The policy of terror failed, as it has always failed. The annual depredations upon property lying in the Thames during the last decade of the eighteenth century was estimated at more than half a million sterling, and the highways near London were so unsafe for the mail coaches that the Government had to institute a system of mounted patrols to escort the coaches to their destination. Bentham did not approach the problem from the humanitarian standpoint: he demanded a logical system of legal punishment and a logical system of treating convicted prisoners. There was no sentiment about his "panopticon," which was a prison so planned that it gave the maximum of security against escape with the minimum of expenditure for staff. He would have nothing to do with sentiment, though he admitted that under proper control humanitarianism had its value. His plan was to educate, to classify, and to provide for the discharged prisoner, but its main purpose was to prevent crime by discovering and removing its causes. He laid, in fact, the foundation of our modern system. Though Bentham's writings had some influence upon the authors of the French penal code of the First Empire, he lived before his time. Lecky complained that England, "which stood so high among the nations of the world in political, industrial, and intellectual

eminence, ranked in the treatment of crime and of prisoners shamefully below the average of the Continent."

John Howard was a reformer of a different mould. "He surveyed all Europe," said Burke, "not to view the sumptuousness of palaces, but to survey the mansions of sorrow and of pain; to collect the distresses of men in all countries. The plan was original, and full of genius as of humanity. It was a voyage of discovery." With so many abuses at home to occupy his mind, it was remarkable that Howard should have made a tour of Continental prisons under the difficult conditions of travel in the last quarter of the eighteenth century, but he had had personal experience of one foreign prison and it was owing to the accident of his capture by a French privateer on his way to Lisbon in 1755 and his internment in a dungeon at Brest that the rest of his life was devoted to awakening public opinion to the horrors of imprisonment under the conditions that obtained in his day. As High Sheriff of Bedfordshire he made an inquiry into the state of prisons in England and Wales, then under the control of the local magistrates, and in 1774 he was examined by the House of Commons and thanked for his services. His book on the *State of Prisons* at home and abroad, published modestly at his own expense in a provincial town, awakened the public conscience to the scandal and disgrace of the penal system. And yet, with that strange inconsistency from which even the greatest of men are not immune, Howard is said to have been a tyrant in his domestic life and to have ruled his son with great severity.

In one of the best known of Brueghel's landscapes, painted about 1550, where the exigencies of com-

position called for some familiar feature to crown a bare hill overhanging a river in Flanders, the artist painted a gallows with crows flapping about the hanging body. The picture shows that it is of no interest to the group of labourers engaged in driving home the cattle : it was as familiar to them as a stile in any hedgerow. In the seventeenth century and later it was much the same in England. Pepys smacks his lips over the unholy glee with which he danced a measure with a lady under the body of a malefactor swaying on the gallows. But the criminal was gaining on the gallows : some more expeditious way of ridding society of its waste products had to be devised, and when one reflects that the population of Great Britain was then under nine millions, it is easy to see how urgent was the need for men like Bentham and Howard and Romilly.

The first mention of transportation as a legal punishment in England is found in an Act in the reign of Charles II, which gave the judges power to exile the Moss Troopers of the Borders to any of the British Possessions in North America. In the " Bloody Assize " of 1685 Jefferies sentenced no less than 841 persons to transportation, which in those days meant slavery upon the plantations. The settlers were in great need of servants, and since these persons, so far from being criminals, belonged to the best stock of the Western Counties, it may be supposed that they did not fare badly in their new home ; but in the reign of George I, when an Act was passed giving the contractors for the passage an interest in the labour of the prisoners, it may be inferred that the deportees were criminals and vagrants, for it was not long before there were complaints from New

York, Maryland, and the Barbados against being made a dumping-ground for the refuse of the Mother Country. With the War of Independence, transportation to America came to an end. There would have been a dislocation of the machine of the criminal law but for the voyages of Captain Cook. The discovery of Australia actually arrested prison reform in England by providing a new outlet for transportation. The first Prison Act was passed in 1778: it was intended to combine into a system the three factors of hard labour, separate confinement, and religious and secular education. Under the influence of a few prison reformers like the Duke of Richmond and Sir G. O. Paul, the system was tried at Gloucester and Petworth, but many of the counties were unwilling to find the necessary funds for building cellular prisons and it was not until the Americans were hotly engaged in a controversy about the rival merits of cellular confinement as practised in Philadelphia and confinement in association as carried on in Auburn that any real interest was aroused in this country. A new Prison Act was passed in 1824 and shortly afterwards Mr. Crawford, a prison inspector appointed under that Act, was sent to the United States to examine the rival systems and report. His conclusions were laid before Parliament and widely discussed. In 1837 Lord John Russell, the Home Secretary, issued a circular letter to the magistrates in favour of cellular confinement, and it was decided to build a large prison in Pentonville, embodying the recommendations to serve as a model for other new prisons. Commissioners drawn from the leading men of the country were appointed to superintend the experiment and two Medical Commissioners undertook to watch the effect pro-

duced upon the prisoners. Pentonville Prison was occupied in 1842.

The reports of these Commissioners were considered conclusive. They reported that separate confinement up to the limit of eighteen months was safe and efficient ; that it was well calculated to deter, correct, and reclaim the offender, and that the normal results of the discipline had been without parallel in the history of prison discipline, and further, that it was the only basis on which reformatory discipline could be established with any hope of success. We have been busy ever since in whittling away the one feature of imprisonment to which John Howard and the prison reformers of that day attached supreme importance.

With these recommendations before them, it is not surprising that the Government adopted Separate Confinement as an essential part of a sentence of transportation. The term was limited to eighteen months, after which the convicts were to be employed in association on public works as a preparation for the comparative liberty that they would enjoy in the Colonies.

But events were fast conspiring against transportation itself. The system of home discipline and removal to the colonies depended upon two factors : the convict must have shown himself amenable to discipline and the colony must be willing to receive him upon ticket-of-leave. Human nature is the snag on which many of the flawless paper schemes are wrecked. As soon as a convict had, by good conduct, become entitled to wear the letters " V.G." upon his arm he was eligible to receive a licence in the colonies, but the qualities that earn a reputation for good conduct in a prison are not always those that



make a reputable citizen in free life. The cunning, pliable rogue finds no difficulty in complying with the rules and making himself pleasant to the chaplain, but he is not the kind of person who can be let loose in a new community with credit to himself or advantage to his fellow-colonists. Nor were the hulks on which the period of probation was passed schools for morality or good manners.

The first products of the new scheme were embarked from Portland in 1849. There were favourable reports of their conduct both from Australia and Tasmania, but in 1852 these colonies refused point-blank to receive any more of them. There were still convicts at Gibraltar and in Bermuda: men were pouring in from the Criminal Courts. The old war prison at Dartmoor was hastily being transformed into a cellular prison, but in the meantime, in order to make room for the new-comers to the hulks, thousands of men were released, free from any ticket-of-leave. Under such circumstances the nerves of the public are always highly strung, and it needed only a serious crime or two, committed by a liberated convict, to break them. There was a public outcry and Parliament was obliged to pass the Penal Servitude Act of 1853, under which the sentences of transportation still passed by the Courts were commuted to penal servitude on a scale of four years' penal servitude for seven years' transportation, the remaining period of three years being passed in liberty on licence, or, as it was then called, "ticket-of-leave." This did not satisfy public opinion. A Select Committee of the House of Commons was appointed in 1856 and its recommendation was embodied in the Penal Servitude Act, 1857, which extended sentences of penal servitude to the same

length as sentences of transportation, but allowed the Home Secretary to release convicts on licence for periods varying according to the length of the sentence, from one-sixth in the case of a three-years' sentence to one-third in the case of a sentence of fifteen years and upwards. This remission depended upon the convict's conduct in prison. There was thus a threefold responsibility: on the judge who passed the sentence, on the Home Secretary who granted the licence, and on the prison authority who reported upon the prisoner's conduct. This, with some modification, is the system that obtains to-day.

All might now have gone well but for an outbreak of serious crime in the early 'sixties. *The Daily Telegraph* and other London papers conducted a campaign against the leniency with which it alleged criminals were treated. It happened that Sir Joshua Jebb, a most enlightened and humane prison reformer, had increased the dietary of convicts, and great play was made with the large amount of food which was daily thrown to the pigs, because the prisoners could not eat it. A Royal Commission was appointed to report upon the working of the Penal Servitude Act. It found that the late increase in serious crime was coincident with the discharge of a large number of convicts sentenced to the short term of three years permitted under the Act of 1857, and recommended that the minimum sentence should be increased to seven years and that habitual criminals should have increased sentences, but should be allowed to earn remission upon the whole sentence—their marks being awarded for industry rather than the negative quality of good conduct. For this purpose the Commission recommended the adoption of the mark system, which had been intro-

duced into Australia by Captain Machonochie. In one respect, the report was reactionary, for it was in favour of continuing transportation to Western Australia. Appended to the report was a Memorandum written by Lord Chief Justice Cockburn, which laid down the principle that deterrence to others should be considered equally with the reformation of the individual offender. On the whole, Cockburn was against police supervision on the discharge of ticket-of-leave men, partly for the sound reason that it hampered men in obtaining employment, but also on the ground that the means of identification were faulty—a reason that ceased to have weight when identification by finger impressions was adopted.

As a consequence of the report of this Commission, the Penal Servitude Act of 1864 was passed, raising the minimum sentence from three to five years, and imposing on released convicts the duty of reporting themselves to the police at prescribed intervals, on pain of forfeiture of their licences. In order to deal with the frequent acts of violence in prison, the power to award corporal punishment was vested in visiting justices who could be summoned quickly to the prison to deal with disturbances on the spot.<sup>1</sup> This measure had important results: the system of awarding marks and of progressive stages, as it is at present, was instituted, and this, more than severity of discipline, soon reduced the disorders that had more than once become mutinies.

It is pathetic to read the official reports upon the mark system that were annually presented to Parliament and to see how much of it was unconscious make-believe. The system is very simple. A con-

<sup>1</sup> Until the Prison Act of 1898 was passed a Director of Convict Prisons had the power to award corporal punishment.

vict's sentence begins on the opening day of the Assizes. Say that he was sentenced to five years' penal servitude from June 1st, 1865 ; his sentence expired on May 31st, 1870. The actual number of days in this period, including the leap-year day, were counted and multiplied by 6, making a total of 10,956 marks which he had to earn for remission. By industry and good conduct he could earn these marks at the rate of eight a day, and he could therefore obtain remission of fifteen months, or one-fourth of his sentence. Every time he was convicted of breaking the rules he was liable to forfeit remission marks as well as marks for stage privileges, and in every prison you will find a few hardened offenders who have forfeited all possible remission and have nothing to lose ; but such cases are rare and the great body of the men keep clear of misconduct for fear of losing a day's remission.

Side by side with remission marks go the marks for stage privileges. It takes a year to pass through each stage and have the appropriate facing sewn to the coat, but like remission marks, stage marks may be forfeited for idleness or misconduct. Each stage carries small privileges and a small money gratuity on discharge. So far, the scheme fulfils most of the claims made for it, but the claim that it inculcates habits of industry is necessarily pure make-believe. " We have," write the Directors of Convict Prisons in 1865, " the advantage that the convicts are employed in important Public Works which admit of accurate measurement and valuation "—the two things that employment on Public Works such as quarrying, reclaiming bog-land, and general farm labouring do not admit of. The warder in charge of the party awards the daily marks : the men are working as a

gang. A convict must be very idle indeed to earn less than his full marks, and in practice nearly all do so. It is only when a man is almost openly defying the rules that he receives less than the maximum of eight in a convict prison, and it would be asking too much of human nature to expect the warders to differentiate between the men, except when they are tasked. The standard of industry is maintained by the example of the men of the party who are naturally industrious: their spirit infects the rest, and the keen, searching winds of the upland moor or the sea breezes of Portland conduce to violent exercise. In the workshops inside the prison the men pursue a leisurely sort of industry. They turn out a good deal of work and you do not often see them idling, but they do not work feverishly. We have inherited the idea, almost devoutly entertained by the early prison reformers, that enforced industry in prison will form a habit which the discharged prisoner will carry with him into free life, but it is generally fallacious, because freedom calls for strength of character to carry the man over the initial struggles and disappointments of the suppliant for employment. A few may develop character in prison, but the majority swim with the tide and drift into the easy back-waters where their old criminal associates are waiting for them.

The chaplain at Portland once asked an old convict, who had worked very well in the stone quarries, what he would do when he was released. "I'll tell you, sir," he said. "You know the little pub with the balcony—the one you can see from the quarry? Well, I'm going there. I'll order the longest glass of whisky and soda they can give me

and just lie in a deck chair with it, watching the other beggars work." It was the change to complete idleness to which he was looking forward.

The cry for the reformation of the criminal in prison is an obsession of the later prison reformer, who has a mental picture of the prisoners as a single class, ground under the heel of savage disciplinarians and yearning for a few words of human sympathy. This sympathy he would pour out upon them with both hands. It would be a grievous shock to these well-meaning people if they could hear what the prisoners think of them. They admire their disinterested philanthropy and some of them turn it to their own profit : the others are mildly amused and will afterwards talk of them with a sort of pitying patronage to their disciplinarian keepers, with whom they have a complete understanding. It must be remembered that a large proportion of the convicts are men who were proof against reformatory influences in the Reformatory or Industrial School, in the Local Prison, and in the Church or Salvation Army Shelter. They are hard, practical men, with many good points about them, who have deliberately chosen crime as a means of livelihood. The only argument that appeals to them is self-interest. They cherish no *sæva indignatio* against society ; their hand is not against every man ; you can awake in them no sense of moral degradation : they choose to make their living in their own way and do not whine over their ill-fortune when they are arrested. I remember a convict writing to his brother who had announced that he had entered the workhouse, " Now, Jim, I've fallen pretty low, but I've never gone as low as you have yet." These men form about three-fourths of the population of a convict

prison for recidivists. Of the others I will speak later.

It was realized by the House of Commons that the deterrent element must not be whittled away by the advocates of reformatory treatment. In 1869 by the Habitual Criminals Act and in 1871 by the Prevention of Crimes Act greater powers were given to the police for dealing with men who were known to be engaged in crime as a profession, and there was an immediate increase in the reconviction of discharged convicts. This produced the usual reaction in public opinion. It was said that penal servitude hardened the prisoners and that the indiscriminate association of all classes and ages in a convict prison contaminated the younger and more impressionable men. In order to meet these criticisms, the Directors of Convict Prisons pressed for an impartial Inquiry, and in 1878 a Royal Commission was appointed under the chairmanship of Lord Kimberley. The report of this Commission, while approving generally of the system, condemned the provision of the Act of 1864, which laid down a minimum sentence of seven years after a previous conviction for felony, and recommended that the minimum should be five years in all cases. A more important recommendation dealt with classification: the separation of the first offender from the reconvicted criminal—a provision that should have been made many years before—was recommended, and the foundation was laid for the Star Class, which has been so conspicuous a success. The fact that only 2 per cent. of the Star Class convicts are reconvicted shows the degree of care which is taken in ascertaining the real character of a convict before he is admitted to the class. The majority of the Com-

mission recommended the institution of unofficial and unpaid inspectors who were to visit convicts from time to time and make a report upon them to the Home Secretary. This was fiercely resisted by one of the members of the Commission, and by the Prison Authorities of that day. Twenty years passed before this recommendation came into force. I am not at all sure that it was of much use either to the Prison Authorities or to the convicts. The details of administration in convict prisons are complicated and difficult to understand, and it is not to be supposed that an unofficial person visiting the place once a quarter could form a competent opinion upon its defects. Certainly in practice they did not do so. It must be remembered that the appearance of an unofficial visitor is the signal for all the malcontents and the "prison lawyers" to make complaints, and when the visitor finds these to be unfounded he is inclined to disbelieve everything that convicts say to him.

During the next ten years there was a remarkable fall in the number of sentences to penal servitude. The average yearly numbers, which, for the five years before 1864, had been 2,800, fell to 729 in 1890, or about 2 per 100,000 of the population. It remained at this point for many years, but during the late war it fell to the lowest on record—340 committals during the year. In 1891 the minimum period of penal servitude was reduced by statute from five to three years. Up to that time convicts were not allowed to earn remission of sentence during their nine months of separate confinement. This was corrected, and it is now possible for every convict to earn a remission of one-fourth of his whole sentence. The same principle was applied to



those convicts who returned to the convict prison with forfeited licences to serve out the unexpired portion of their ticket-of-leave. Power was also given to the Secretary of State to remit or vary the requirements as to reporting to the police on discharge.

## CHAPTER II

### THE APOLOGISTS AND THE CRITICS

THE literature upon our Prison System, which is now voluminous, is very rarely impartial. The human tendency to take sides divides the writers between the apologists and the critics. On one point only are both sides agreed—that the object of punishment should be to eliminate the criminal, and especially the professional criminal, from the modern social state. They are so much concerned with the Prison System and its influence upon criminality that a fact which has the most important bearing upon professional crime seems to have escaped most of them altogether. The battle between the apologists and the critics has been waged upon the question of deterrence. The critics are all for reformatory methods from which the punitive element is to be swept away. The apologists meet them by saying that prison is reformatory and point to the number of persons who have not returned for a second sentence. The critics find it convenient to ignore the point that the average length of sentences served in Local Prisons is about five weeks, a term far too short to admit of any change of disposition. The official apologist who clings stoutly to the necessity for deterrence, especially in the case of these short sentences, makes play with the Mark System as inculcating habits of industry and a healthy competition at work. As I have already

said, the mark system promotes good conduct but has little if any effect on industry. The warder naturally follows the line of least resistance in awarding full marks, for if he is conscientious enough to withhold them in the case of the slower workers of his party, he is sure, sooner or later, to have discontent and misconduct in his party. It is so with the Stage System, which entitles the holder to privileges. With local prisoners, each stage at full marks occupies a month, which may be lengthened at any point by misconduct. With penal servitude prisoners, a stage is calculated at a year, and marks are forfeited for misconduct or idleness. The loss of stage marks and privileges includes, also, the loss of gratuity. But here again in practice the men do not attach great importance to their stage privileges, and they are only the mildest of incentives to industry and good conduct. The degree of leisurely industry in the prison workshop is not such that would earn a living in free life, and it is seldom that the trade learned in prison, however good the instructor, is turned to account after release.

When we turn to the critics, their unconscious bias is equally misleading. By the familiar method of selecting from a mass of evidence all the cases that seem to bear out their views, some of them contrive to produce an impression that the discipline is hard and cruel, that all self-respect is stifled, that initiative is crushed under the iron heel of discipline, and that if a man is mentally unstable, as they assume most criminals are, the barbarity of the system still further upsets his mental balance. This view is a constant source of entertainment to the habitual prison inmate, as it is to those who have to hold the balance between the warder and the

prisoner. Unfortunately for both sides, figures are perfidious guides. There are too many factors in the personal equation. It is not enough to show that a man has not returned to prison for years after his release, because death, emigration, or defective police work may have swelled the figure and, on the other side, the figures of reconvictions may be affected by fortuitous circumstances—depression in trade, an accidental lapse into drink, a chance conviction for a non-criminal offence.

Alone among the critics, Mr. Bernard Shaw<sup>1</sup> puts his finger upon the real solution of the criminal problem, if it could be attained: "There is no better established rule of criminology than that it is not the severity of punishment which deters, but its certainty." One has only to turn to the United States to realize that this is true, for the high criminal statistics in most States in the Union is admitted by American jurists to be due to the slow procedure of the Criminal Courts, the numerous loopholes for appeal, the delays entailed by extradition from State to State, and the insufficient number of detective police. Mr. Shaw might have added the word "swiftness" to "certainty." One has only to scan the history of penalties to realize that the defence for savage penalties was that it was necessary, when only a few offenders could be caught, to do something to terrorize the remainder into good behaviour. It did nothing of the kind, because whenever the meshes of the net are too wide, all the undetected criminals think that they will be among the fortunate who get through. And so, while the Prison Commissioners have had to stand

<sup>1</sup> Preface to *English Prisons under Local Government*, by Beatrice and Sidney Webb.

the fire of criticism almost alone, the detective police have escaped almost unscathed. The real test for the criminality of a country is not in the statistics of the persons sent to prison, nor even in the persons charged before a Court, but in the number of offences reported to the police compared with the number in which the person is arrested. Even so, the figures may be fallacious, for a tendency appears to be growing on the part of subordinate officers in the Metropolitan Area to discourage the private prosecutor in order to save themselves the work of tracing a theft in which there seems little hope of securing a conviction. The serious factor at the moment is that, while crime, generally, has decreased since 1913, the last normal year, there has been a marked rise in predatory crimes. In 1912 the number was 93,669; in 1921, 96,751. The greatest increase has been in burglary, housebreaking, and shop-breaking. In these offences the figures in these two years have risen from 10,956 to 15,901, while, as I shall presently show, the number of cases brought to justice has fallen off. A few years of such immunity from detection is enough to add largely to the predatory class, for it must be remembered that predisposing incentive to predatory crimes is the thirst for adventure, which is one of the finest attributes of our race. After all, many persons who regard themselves as respectable think little of minor impositions upon railway companies, Customs officers, and income-tax collectors. They would regard these irregularities very differently if there were more than a 75 per cent. chance of being found out. The starting-point for qualms of conscience in a large number of us is the imminence of exposure.

## CHAPTER III

### I JOIN THE PRISON SERVICE

LET me now attempt to give my impressions of criminals at first hand. It was by accident that I drifted into the prison service. My name had been put down for a Deputy-Governorship with many others some years before. In 1896 Sir Evelyn Ruggles-Brise, to whom all the great reforms of the past thirty years were due, had been appointed to the chairmanship of the Prison Commission, and it fell to him to make recommendations for a number of new appointments. He knew something of me from old Eton days and he sent up my name. It chanced that the Home Secretary's private secretary, who had stayed with me when I was acting as Prime Minister of Tonga, saw my name among the others and telegraphed to me asking whether I would accept the appointment. I accepted by telegram, and in August 1896 I found myself Deputy-Governor of Liverpool Prison. I remember that the late King of Siam, whose sons were living with me at Ascot at the time, observed rather ruefully, "So you prefer the society of criminals to that of my sons."

At nine o'clock one morning I reported myself to the Governor to be instructed in my duties. Mr. Walker was a Governor of the old school. Man and boy he had been in the prison service for more than thirty years. He knew everything there was to

know about the management of a prison, and if he was short and peremptory with those who broke the rules, especially with idlers, his bark was worse than his bite. He was scrupulously just and as kindly in his manner as was then thought consistent with the maintenance of discipline.

The Deputy-Governor's day began at 6.30 a.m. At nine, Mr. Walker had a levée of all the heads of branches—the Matron, Chief Warder, Storekeeper, and Foreman of Works—for the business of opening the daily letters, which he did with lightning rapidity and a running comment upon their contents which kept his satellites in an agony of suppressed mirth. Then each went off with his bundle, to return later in the day with the material for replying to them.

He treated me as he had treated every Deputy-Governor who had been sent to him for instruction—as a sort of joke. Liverpool had a daily population of more than a thousand men and women awaiting trial for, or convicted of, every kind of offence, from the most venial to the most serious. As a rule, the men were easy to manage, but when it came to the women, the mere male prison official had to take his chance. They were rough days, and these women were rougher than any primitive women I had met in the South Seas or elsewhere in odd corners of the earth.

It happened that a young groom was to be hanged within the next twenty-four hours and that the petitions that had poured in to the Home Secretary praying for clemency on the score of his youth had prevailed at the eleventh hour. The Governor tossed the reprieve over to me and said that I might begin my duties by a visit to the condemned cell. It was a cheerful double cell set in a central court,

from which all the wings radiated. I found the young man talking quite cheerfully to the two plain-clothes warders who never leave a man day or night after a sentence of death.

I said, "I have got good news for you."

"Have you, sir?"

"Your sentence has been commuted to penal servitude for life. You will not be hanged!"

He blushed vividly, and remained silent.

"You are a lucky fellow," I observed.

"I am, sir!" he replied with great heartiness.

It was the practice at Liverpool for the Governor and Deputy-Governor to divide the prison between them when it came to visiting every prisoner in his cell at ten o'clock. A warder went first to unlock and throw open the doors. The Governor followed, made a rapid inspection of the cell, and gave the man an opportunity of speaking. Sometimes he would stop and talk to the occupant for a few moments, especially if he was a new-comer. As I was going along the cells of the men sentenced to penal servitude, the Chief Warder whispered, "In the next cell is the man who has just been reprieved."

Never have I seen such a change. There he stood in convict dress, with three pounds of tarry rope before him which he was to pick into oakum. He had had the curious support that one gets from being a centre of interest—a subtle flattery that few can resist, even though they are to be hanged at the end of it. A few minutes before he had been in a class by himself; now he was just one among a thousand. They had clipped his hair to pattern, and with his own clothing he seemed to have cast off every link which bound him to the past. He was the most dejected man in the prison.



In those days anthropometry and the finger-print system of identification which succeeded it were regarded by criminals as hitting below the belt. In my first days at Liverpool I made the acquaintance of a middle-aged man who had persuaded the Court that he was a first offender and he had received a lenient sentence in consequence. The warder who had the best memory for faces happened to be the schoolmaster whose duty it was to distribute library books to new-comers. He thought that there was something familiar about the face, and when the man surrendered his last book with the complaint that it had a "distinctly Cawtholic tendency," he was sure. Never have I seen anyone quite so indignant as this prisoner when they took his measurements and established beyond a doubt that he had already served two terms of penal servitude in addition to an almost countless number of lesser sentences. My friend of the ultra-Protestant scruples remarked to me, "This measuring of a bloke's head is what gets me. Let a warder come honest and straightforward to my cell and look me over and say, 'Bill, I knew you when you was Jack Taylor.' That's what I call recognition, but this new business with the callipers is not right."

After identification by finger-prints, on the infallible system established by Sir Edward Henry, had been adopted, a case occurred in which a man had been wrongly identified by a warder—as one John Smith, with one previous conviction (he admitted this), and as John Smith he was set down in the prison records. But when he was again arraigned and his finger-prints were taken, he proved to be not John Smith, but William Brown. (The names, of course, are fictitious). He denied this stoutly

for some time, but ultimately gave in. "I cannot understand," said the Reception Warder, "why you ever admitted yourself to be John Smith."

"That's because you haven't studied William Brown's record. I had to be somebody, hadn't I, and if they wanted me to be John Smith, with only one pre. con.—and as William Brown I had seventeen—well, I let them have their own way."

I had been about a week in Liverpool Prison and was beginning to learn the routine when something happened that I should not have believed if I had not seen it. The "reception"—that is, the number of new prisoners brought from the Courts—was always much heavier on Monday, for the Police Courts reaped the harvest of the Saturday and Sunday drinking. At that time nearly every fourth or fifth house in the Vauxhall Road was a public-house, and it was not uncommon for the prison van to be chased as it rumbled along the road to Walton. The "drunks" were often still in the reaction stage of intoxication and might do anything.

I was standing in the central hall to watch the men filing out of the chapel to their cells. There were four tiers and the top landing was thirty-three feet from the stone floor of the wing. Suddenly there was a crash, which I took for the slamming of a heavy door. The warders began to run towards the end of the wing, where a battered heap was lying on the stones. A young Irishman, who had had repeated convictions for drunkenness, had taken a header from the top landing, and his head and shoulder took the impact of the blow.

He was still breathing when he was removed to the hospital, and the medical officer found a fracture at the base of the skull that according to all medical

rules should have cut short his career, but he got better and at the end of three weeks, his discharge being over-due, he demanded his release. His eye was still dilated from the fracture, but he would listen to no advice, and out he went. The incredible part of the story is that in three weeks' time he re-entered the prison on a fresh sentence. The result of this occurrence was that in all the sixty prisons in England and Wales, wire netting was stretched from landing to landing.

Those were the last days of the tread-wheel and the crank. I was introduced to Appold's hard-labour machine, otherwise the crank, though it was used only for purposes of punishment. The handle was inside the cell, and the prisoner had to make so many thousand revolutions as his task for the day. The friction belt was carefully adjusted to a weight of 10 lb. on the handle inside, and the warder used to count the revolutions by using a highly-burnished tin lid as a reflector. Probably the fact that the man knew he was grinding air was the worst part of the punishment. I never met Mr. Appold, but I trust that he led an otherwise blameless life, for if there was nothing recorded to his credit in the Doomsday Book as a set-off to his "hard-labour machine," he must now be employed on a very uncongenial task below.

The tread-wheel, on the contrary, was doing work. At Liverpool it pumped the water, as in the old days in some monasteries. The wheel-house at Liverpool had wheels on either side, and some eighty to a hundred men were climbing its staircase at once. You could hear the rumble of the wheels as you approached the shed. There was only one warder to keep order. His duty was to time the shifts.

Every compartment was numbered 1, 2, or 3, and the rule was ten minutes on the wheel and five minutes' rest. Thus, all the men numbered 3 sat in a row on stools waiting till their five minutes was up and they had to relieve the No. 1's. At the end of the shed stood a row of men with their faces to the wall. They numbered from six to about fifteen. These were they who would rather undergo dietary punishment than climb another step up the endless staircase, and they furnished the majority of the "reports."

The reports were heard at ten o'clock. Man after man was marched into the room, followed by his warder-accuser. The common offences were idleness, refusing labour, and "back-chat." Mr. Walker wore his hat while dealing with them because he regarded the whole prison as the open air. He wasted no unnecessary time in talking.

"What have you to say?" he thundered at the delinquent. "Can't pick oakum? Blind men pick oakum! Two days' bread and water!"

After the reports came the applications, and here he had a softer side. Special letters—that is, letters not earned by good conduct—were the usual request, and if it meant an act of kindness to the relations it was generally granted.

There is something repellent about the cleanliness of a prison. All the metal is burnished. The floors smell of soap, the cells of tarry rope. The white-wash is spotless. No building could be kept so unless there were a superabundance of human labour.

Next to the female prison, the part I most disliked was the range of observation cells, where men, generally men awaiting trial who were suicidal or

suspected of mental derangement, were lodged behind gates instead of doors, in order that the observation warder might have an unrestricted view of them.

There was one old gentleman whose only delusion was cats. I think he was accused of attempted murder, but according to his version of the affair, a cat in human form had breathed upon him, and, of course, he had to do something. On every other subject he was perfectly rational. It was the Chief Warder who gave me the hint to lead the conversation on to cats, and the man's whole bearing changed in a flash.

"Cats!" he hissed. "They come into my cell through the window by day and by night, but generally by night. Have you ever had a cat *breathe* on you, sir?"

The medical officer was quite decided about his mental condition, but it was necessary to obtain the signature of one of the visiting magistrates, a self-sufficient gentleman who would take no opinion but his own. He returned from a long interview with the prisoner, definitely convinced of his sanity, and declined to sign the form which would have removed the patient to an asylum. I asked him whether they had talked about cats. "No," he said, "the conversation did not lead that way." I begged him to go back and introduce the subject. In three minutes he returned hastily and rather pallid. Perhaps the old gentleman had mistaken him for one of his feline visitors. At any rate, he signed the form without demur and left the prison.

I have said that the female prison was worse than the male. It used to be my duty to see off the discharges at seven every morning. The routine was

to go to the female prison first. The entry of the Governor or Deputy-Governor was the signal for the thirty or forty women who were assembled in their own clothes for discharge to begin to sing, not the same tune, but any tune that they could think of, and the songs were interspersed with loud personal remarks about their visitor's appearance.

When it came to calling over the names, the noise grew deafening, because at that moment every woman was determined to be heard above her fellows. Mr. Walker, who was not generally tolerant towards indiscipline, made no attempt to check the noise. He said it only made them worse, and if you punished any of them the news would go round Liverpool and you would be set upon in the streets. I said that I would like to try. He replied, "Then try it and see."

Next morning, when I could make my voice heard, I announced that until the noise stopped no one would be discharged. There was, in fact, power to retain any prisoner until midnight of the day of his discharge. The announcement behaved like a hand grenade. For a moment one might have heard a pin drop and then—I was glad to get out of the room.

The women used to march from the female prison to the main gate singing at the top of their voices, probably to attract the attention of the men who were also assembled for discharge. To the men I went, and the contrast was extraordinary. If a man whispered to his fellow there was a sharp, "Silence, there!" from the warder, and there was not another whisper.

The matron of the female prison never referred to her charges, whatever their age, except as "gurls." They were good "gurls," and naughty "gurls," as

the case might be, but when one of the naughty ones had smashed all the windows and was tearing her clothes to ribbons, the matron had only to appeal to her and she desisted and burst into tears. She treated them like naughty children, and probably she stopped the window-smashing by a hint that she, the matron whom they all loved, would have to pay for it out of her own pocket.

Only once did I see this good woman really upset. Two things had happened. A "gurl" had come into prison with golden hair, and this, proving to be a wig, was plunged into a bucket of disinfectant, from which it emerged not golden, but green, with all the curl taken out of it, which meant, of course, a claim for damages, and a wig might cost anything. But there was worse to come. She rushed into my office, shaking with emotion, and said, "Sir, you remember the 'gurl' with the golden wig that turned green; well, sir, she's not a 'gurl' at all, but a man."

This was a serious situation. You may do pretty well what you like in a prison except remove an inmate of one half of it into the other, and *vice versa*, but we got over the difficulty with the shortest possible delay.

At Liverpool there was a really excellent hospital, so excellent that the women inmates of the prison used to arrange to break a window in order to come in for their confinements. Consequently, we had a crèche, with a daily average of from fourteen to twenty babies. The rule was that babies could not be kept in the prison after they were a year old. In rare cases the mother's sentence exceeded a year, and then, if there was no good home for the child to go to, it was kept until the mother's discharge.

A baby disorganizes the entire female prison, from the matron downwards. Everyone wants to play with it, and, as sunshine is followed by storm, so the baby causes jealousy and uncharitableness to divide the oldest friends. The landing cleaners who work outside their cells used to compete with one another for the privilege of holding the baby for a moment, and the only person who seemed never to get a "look in" was the mother.

The new chairman of the Prison Commission, Sir Evelyn Ruggles-Brise, was making a tour of the Northern prisons when he came to Liverpool, and I remember taking a wicked delight in showing him the Liverpool women as a sample of the material for which he had to legislate. I thought that I detected a faint blanching of his cheek as he emerged from the female wing.

His visit had an important result for me. He thought I ought to obtain experience in a convict prison as well as in a local, and he recommended me to apply for the next vacancy as Deputy-Governor of Dartmoor. When I announced this to the Governor, he had a great deal to say, and all of it was discouraging. It was November, and at this season, he said, the climate of Dartmoor was Arctic; a thick fog brooded over the place; all around were granite tors covered with frozen snow or dripping with moisture. The life was one long, drab, grey monotony. "But, of course," he concluded, "you must do as you like."

With these sombre anticipations fresh in my memory, a few days before Christmas 1896 I put myself into a one-horse fly at Tavistock Station to be driven to Princetown. The night had closed down, and as the poor horse toiled up endless steep



the clouds descended upon us and wrapped us in a blanket of fog. Higher and higher we climbed until at last, after nearly two hours, we accomplished the eight-mile drive and pulled up at the prison gate, where a gaslight shone feebly through the fog.

There was certainly no drab monotony about my first few days. On that very afternoon, while the reclaiming parties were marching in from the bogs, a sudden fog had fallen, and two of the men made what the newspapers call a "dash for liberty." An escape from a prison is always "a dash for liberty" in journalese, though, as a rule, there is very little dash about it. The men were called upon to halt. One obeyed, the other scaled a stone wall, and in the failing light, while he was actually stooping for the jump down, the civil guard fired at his legs, but the charge of buckshot struck him in the back. He died almost immediately.

The whole question of the legal or moral right to fire at an escaping convict was immediately raised in the Press, and Princetown was crowded with reporters for the inquest. The legal common-law right was clearly established by the Coroner, and there remained only the moral question that by shooting at a man you were inflicting a greater punishment for an escape than you would do for the far more serious offence of mutiny. The jury returned a verdict of "Justifiable Homicide," but it was decided to overhaul the ammunition used in the carbines with a view to finding cartridges that would stop but not inflict serious injury. It fell to me to make the experiments.

History is written upon every block of the grey granite of Dartmoor Convict Prison. Napoleon's soldiers, even those who survived the retreat from

Moscow in mid-winter, can scarcely have survived greater rigours than the unfortunate French prisoners of war who were first immured on Dartmoor. The American sailors who had undergone every hardship in their winter voyages on the Atlantic remembered Dartmoor with a peculiar bitterness, because no one can pass a winter on those bleak heights without remembering it for the rest of his life. The prison has a different aspect in summer, but when all the moor is smiling under the sun, the grim walls never unbend their frown.

And yet there is a social life in the place which no visitor can guess at from the glimpse he has of blue-clad convicts marching out to labour under an armed guard. He knows nothing of the real world behind the walls, where men pursue their little ambitions, their little friendships, their little quarrels, and even laugh over their disappointments just as they do in the great world outside.

Many people have wondered what it feels like to be sentenced to a long term of penal servitude. I remember a thoughtful convict giving me his experiences at a time when every convict had still to undergo nine months of separate confinement in a local prison as part of his punishment. The period was cut down to three months, largely in consequence of the success of Mr. Galsworthy's play, *Justice*.

Before writing the play, Mr. Galsworthy obtained leave to visit a prison where convicts were undergoing separate confinement and to converse with the men in their cells on the understanding that he would be guided by the facts as he saw them. Allowances must be made for the histrionic talents of old convicts and for the exigencies of dramatic effect.

It is enough to say that Mr. Galsworthy availed himself of the dramatist's licence to the full. The main thesis in *Justice* could not happen in real life. A first offender like the hero would not, even in those days, have been sentenced to three years' penal servitude, and no prisoner undergoing separate confinement has ever taken it so badly as the actor does upon the stage: if he showed any premonitory symptoms, the medical officer would have stopped the confinement at a much earlier stage. But the drama is the drama, and it is by this sort of exaggeration that the public conscience is touched.

The period of separate confinement—formerly nine months for all convicts, but at the time *Justice* was produced nine months for Recidivists, six months for Intermediates, and three for the Star Class of first offenders—is now reduced to one, two, and three months respectively. As I have said in an earlier chapter, it dated from the fifties of the last century, when penal servitude was substituted for transportation and was a relic of transportation itself. In those days, when the death sentence for almost every felony had outraged the public conscience, a period of seclusion for reflection, repentance, and religious ministration was considered salutary before the convict was accorded comparative liberty in one of the colonies, and association with his fellows in a home convict prison was felt to be only transportation in another form. John Howard himself was a strong advocate of Separate Confinement, and Pentonville Prison was designed by him and built upon his advice for this purpose. But I do not know that the long period of nine months, which a few convicts preferred but the majority disliked, was ever of much use either from the deter-

rent or the reformatory point of view. I saw it shortened without misgiving, although in all my rather long experience I never knew it do any harm to a single convict. A short period of separate confinement is really necessary for other reasons. The men have to be classified educationally and medically, and it takes some weeks to make the inquiries necessary for placing the men in their respective classes.

The vexed question of separate confinement led to great divergence of opinion even among the convicts themselves. The truth is, of course, that men are not all alike. One man of a mercurial temperament cannot get on without human companionship. If you shut him up in his cell for twenty-three hours out of the twenty-four his nerves will take charge of him. He cannot bear the stillness, the monotony ; he longs to break something if only to make a diversion. On the other hand, the taciturn and morose man longs only to be alone with his thoughts, the studious man with his books, the shy man with himself. And all these liked separate confinement and dreaded the moment when they would be forced into human companionship in a convict prison.

But I am forgetting what I set out to give—the confessions of an average convict. For obvious reasons I do not give his name. He was a man of some education who had fallen into temptation through gambling, and once having fallen he saw nothing before him but continuing a life of crime.

“ I think the worst time is immediately after arrest, and I do not wonder that so many of the suicides in prison are committed by men awaiting trial. You see, it is the disgrace that hits a man so hard. One gets accustomed to everything, and when one has

tasted the lowest degradation of a criminal trial at the Old Bailey and everyone knows the worst there is to know about you, the feeling of shame wears off: there are so many other things to think of.

"The papers talk a lot about the period of separate confinement. Personally, I rather liked it. I wanted to be alone with myself. I wanted to think. I did not want to hear the voices of the other men and the language they use among themselves. At first I did very little reading. What was the good of it? There were plenty of books in the library. I might have set myself to learn a language, to learn chemistry or one of the arts and crafts, for there were books on all these subjects, but what was the use, with years and years of prison before one? For all I knew, I might never live to see it through, and so I sat in my cell and sewed mail-bags and did more thinking than I suppose I have ever done before or since. On the whole, if it were not for the horrid state your hands get into, I think I like oakum-picking best. When it is the right kind of junk and you give it the right kind of twist and beat it properly on your boot-sole, the fibres come apart like floss silk, and there is something fascinating about seeing the little heap growing in front of you until, by the time you have finished your task of three pounds, it is a veritable mountain. Lots of men used to get their oakum returned to them to pick again. I never did. The great need is to have plenty of occupation.

"Some men run down the prison officials from the Governor downwards. On the whole, I found them a very decent set of men. There were a few bullies and a few very stern warders, but on the whole I liked the stern ones better than the mild, because

you knew where you were with them. One never saw very much of the Governor. It was the chaplain that used to come and talk to us. I suppose these clergymen did the best they could, but it was a poor sort of best. They had been at it so many years that the sound of their admonitions must have grown stale even to themselves, but they would take enormous trouble in communicating with a man's friends and in getting him the particular books he wanted, and I believe they took great trouble to find employment for the better class of prisoner when he went out. Unfortunately, so few wanted employment.

"No one has ever explained why, when one is doing the same thing at the same time day after day, the time passes so quickly. The monotony of prison life is so great that one wonders whether one has any individuality left. You see, from the day you take off your private clothes and dress as a convict, you shed your name and become a number. You wear the badge of your number on your coat. No one can even know your name unless he takes out your cell-card and looks at the back. And then you can do nothing for yourself. Other people decide when you shall take a walk on the exercise ground ; other people open your door ; other people lead the way down the stairs, and all you have to do is to follow the man in front of you round and round the asphalt path ; your meals are brought to you : your only individual act is to eat them. Even the tools and materials for your labour are measured out to you, and your needle must follow the marked line without any deviation or the canvas bag will have to be ripped up and re sewn. I suppose all this is bad for a man, but I confess that it suited me and that I

was almost sorry when my separate confinement came to an end. It was probably none too soon, because I noticed that the doctor took to weighing us a good deal during our last month and put a few of us on extra diet.

"I think the worst moments were the visits from home. The visiting-room is a most repellent place. Imagine two wire nettings making cages three feet apart, with a warder stationed between them like a keeper at the Zoo. You were marched down into one of these little cages and the door shut behind you. Then a message was sent to the gate and your wife was shown into the cage opposite. That would be all right if there were no one else in the boxes, but all the visits are going on at the same time, and each pair is shouting its conversation in order to be heard above the din. I could not shout nor could my wife, and it became, therefore, a very painful interview in dumb show. The horror of it was so great that we decided in our letters never to attempt another visit, especially as one could always have an extra letter instead of it.

"It was snowing hard when we were packed into the 'Black Maria' to be driven to Waterloo on our way to Dartmoor. What a journey it was! We had handcuffs on one wrist and a light steel chain running through it, so that eight of us were all chained together, and if one had chosen to jump out of the carriage he would have had to pull the others with him. Packed into a third-class carriage with two warders and locked doors with the blinds pulled down at every station, it was not exactly a cheerful journey. One of the warders lifted the blind in order to show us our first view of Dartmoor as we ran through Lydford. It was the most bleak and

inhospitable-looking place. At Tavistock the wind and the snow swept across the platform. No one seemed to notice us very much. They were accustomed to this kind of passenger. A large brake with waterproof curtains was waiting for us, darkness had fallen, and we were feeling very empty. All sitting tight, there was just room for the party. For the first mile or so the horses trotted, and after that it was a weary pull uphill for more than an hour. When it seemed as if we must have reached the altitude of Mont Blanc the horses began to trot. Peeping through the curtains, I saw trees and between them rows and rows of dull lights. These were the cell windows of the great prison that I was to know so well. It seemed in the darkness a vast place. We tumbled out of the brake and were marched to our cells, where we found hot suppers waiting for us, but the cells were cold and damp, quite unlike the almost overheated cell to which I had been accustomed in a London prison.

“Before it was daylight my breakfast was thrust into the cell. I had scarcely time to drink the cocoa and eat a mouthful of bread before the bell rang for Chapel. I followed the man in the next cell and we straggled across the yard in the dark into the Chapel, which was feebly illuminated by gas. It was bitterly cold and the ‘frock’ (a sort of overall made of blue-striped cotton) was a very inadequate protection against the driving snow. Immediately after Chapel I was following the other ~~then~~ to the parade ground, when a principal warder stopped me at the gate, asked me my name, told me I was posted to 18 party, which was engaged in reclaiming the moors for agriculture, but I was first to see the doctor so as to be passed for this form of labour. So with



a number of other men, some 'complaining sick,' some my travelling companions of the previous day, I was marched to the hospital to be sounded and questioned by the doctor. Before I went into the room I had a good opportunity for judging the kind of work this unhappy official had to go through day after day. I noticed quite a number of men who were ordered 'No. 8.' When the order was given, the prison orderly always grinned and the sick man made a wry face. It was apparently some decoction specially devised to discourage malingering. It did you no harm, but it was extremely nasty, and when a man was ordered 'No. 8' he knew that his case had been correctly diagnosed. The doctor gave me a clean bill, and after waiting about at various parts of the prison to draw my kit, I returned to my cell for dinner. As I was to be a reclamer I had the best diet in the prison. In fact, for the first day or two it was more than I could eat. Speaking of prison diets, I could never understand why the authorities are so much wedded to wholemeal bread. I know they say that it is more nutritious than white bread, but there is nothing of which one gets so tired day after day in a long sentence, and the proof of that is that large quantities of bread are sent back to the kitchen by the men and used for feeding the pigs, whereas if the bread were white it would all be eaten.

"After dinner we paraded, and this time I could size up the men of my party. They were nearly all young, in the pink of condition, very much tanned by exposure and quick in their movements. I felt that I was pale and flabby beside them. They put me in the last file of the party. We marched two and two past the Deputy-Governor and Chief Warder, and as we passed, our warder gave the number of

men, which was written down. He had to account for this number on his return. As we marched on he took a rifle and cartridge-belt from a warder who stood there to issue them to the warders of outside parties, and as we left the prison gate we found a circle of six or seven Civil Guards round us. One led the way fifty yards ahead of the first party, others flanked us, and a sergeant brought up the rear. All carried loaded carbines. The reclaiming parties were four in number, amounting in all to about eighty men. We marched down-hill for about half a mile, crossing the West Dart by a stone bridge. Then our way led up through grass fields till we reached the bare moor. A few corrugated iron shelters in which our tools were kept marked the place where we were to work. I do not suppose that in the whole range of prison labour there is any work so hard as reclaiming. We were digging against the face of a solid bank of peat five feet high. Boulders were embedded in it and these had to be dragged out with chains. We threw the peat behind us, putting the top layers at the bottom. What was called a 'trench' was marked out for each man. It was about three feet wide, and when one had finished his trench he rested until the other men came up. For those first few days I was always the last. The sweat was pouring from me, my breath was coming in gasps, and all the time, while the other men were resting and smiling at my efforts, a warder stood behind and urged me on. At the end of the afternoon I thought I should not have strength enough to march back to the prison, nor did I know how I should go through another day of such labour. I thought I would take my ward officer into my confidence. When they came round to serve the

suppers that evening I told him my difficulty. He was a nice and rather sympathetic middle-aged man. He said, 'Of course, if you feel you cannot do the work I will put down your name for the doctor or for the Governor, whichever you like, but if I were you I should stick it for a bit. I have seen quite a lot of men when they first come feeling the same as you do, but they found the work get easier day by day.'

"I took his advice. Once or twice the warder thought it necessary to put another man to help me with my trench, otherwise the parties would have been too long delayed, but after a week I began to keep pace with the others, and in the end I think I was the quickest of them all. Sometimes we had a change of labour. When the boulders had accumulated we were set to build high stone walls out of them and top the walls with blocks of turf. One morning we had a mild sensation. The man who was digging next to me began poking about in the subsoil with his spade and drew out from it a bronze sword. I heard afterwards that it was at least 2,000 years old, but the mystery was that so deep a bank of peat had had time to form over it. Another time—this was in the summer—our principal warder, whom we all liked very much, got bitten by an adder. He noticed a convict put his foot down on something and, thinking that it was a piece of tobacco that had been thrown to him, he made the man lift his foot while he felt about in the heather with his bare hand. But it was an adder and it fastened its teeth in his hand. He sucked the bite and the poison got into his tongue, which swelled up enormously and he very nearly lost his life. It was many weeks before he returned to us,

"I think I stayed with the reclaiming parties longer

than anyone, but one day a man whom I had got to know very well, said, 'I wonder you don't try for the blacksmiths. I suppose you don't want to come into a place like this again. It is always better to learn something while one's in prison. You can never tell how soon it may be useful.' I took his advice. I went down to the Governor one dinner-time to ask for a change of party. Men who apply to see the Governor are taken over to a place called the 'Separate Cells,' which is really a sort of administration block. Part of it contains the punishment cells; another part, cells for the men who have to be put under special observation. At one end is the Adjudication Room with two doors. The Governor goes in at one and the convicts are shown in one by one through the other. I found myself facing the Governor with a high railing between us. I suppose that this railing had been put up in consequence of some man having assaulted the Governor when he did not get what he wanted. Beside the Governor sat the Deputy-Governor and a clerk stood at his elbow handing him the record of each man as he entered the room. I made my request. The Governor examined my sheet and asked me why I wanted to change. I said I wanted to learn a trade, because my friend in the reclaimers had told me that this particular Governor always responded to this argument. 'I will note you for the quarry smiths,' was all he said, and the interview was over in less than half a minute. While I was waiting to be marched back I heard a very high and angry voice from the room. The man who had followed me was one of those curious creatures who spent their prison time in giving trouble. He had come to complain of somebody or something—probably about his

library books—and when he did not exactly get his way he began to threaten the Governor. The interview terminated very abruptly. The door opened suddenly and he was ejected into the middle of the hall, where he stood cursing. A very burly warder took him quietly by the arm and remonstrated. As this only seemed to make him worse, he was taken firmly down to a cell and put under report for making a disturbance. I was new then to the separate cells and the incident gave me rather a turn, but the other men only laughed. They had seen it happen so often.

“ I never knew time go so fast as it did in the convict prison. I was a striker in the quarry blacksmiths’ shop for a year, and in my last twelve months I applied successfully for the farm party. I was always fond of horses, and there I had the entire charge of one of the cart-horses and was employed bringing loads of stone into the prison to be broken up for concrete. I think that this was the happiest part of my prison life. It was in this party that I made the acquaintance of the ‘ Dartmoor Shepherd,’ who afterwards became so famous. He was a gentle, inoffensive old man with a real love of his sheep. He used to call them by name in a queer, high, cracked voice, and they all seemed to know it, even the lambs. Many a time I have seen him feeding a lamb out of a baby’s feeding-bottle, and there was one lamb, I remember, that used to stand on its hind legs to have its ears stroked. Once or twice I got into conversation with old Davies, but he could talk of nothing but his sheep and I heard from the other men that he was never really happy away from prison and was bound to come back, and this, as I afterwards learned from the papers, was quite true. .

“ I think that, on the whole, I suffered more from my fellow-prisoners than I ever did from the warders. As long as a man went on quietly, was fairly industrious and gave no trouble, the warders treated him very well, but he became an object of envy to some of the other prisoners and they would do their best to make him lose his marks if they could. My general recollections of Dartmoor were not altogether unpleasant. There was something exhilarating about a place where you always feel well, and those awful winters, when we were nearly frozen alive, were soon forgotten when summer turned all the hills into purple and you could see the hot air shimmering over the heather.”

## CHAPTER IV

### DARTMOOR

DARTMOOR Convict Prison was built in 1806 to accommodate the French war prisoners of the Napoleonic Armies, at the instance of Sir Thomas Tyrwhitt, who lived at Princetown as agent for the Duchy of Cornwall estates.

The Commissioners of the Admiralty Board of Transport, who were responsible for the custody of prisoners of war, have left us a list of their reasons for selecting this particular site, 1,500 feet above sea-level. Probably they never saw the Moor in winter, or they would have realised that within two miles of the place there were several better sites which were not enveloped in fog for half the winter. The fog consists of low-lying clouds which make it dangerous to send out a gang of prisoners on to the Moor in any but the most settled weather, for at any moment a cloud may sweep down the sides of North Hillary Tor and envelop the whole working party in a blanket of fog.

The boundary wall is still in its old position, a rough circle enclosing fifteen acres on a slope at the foot of North Hessary Tor. In 1896 five of the old war prison buildings were still in use, but modern prisons had been built on to them. The main plan remained the same. When you passed through the monolithic gateway and the two more modern gates below it, you came upon a neat court laid out in

lawn and flower-beds. In front was the administration block, from which the prisons radiated. On the monolithic gateway were still the words, "Parcere Subjectis" (Spare the Conquered). A tourist is alleged to have been overheard inquiring of a principal warder what these words meant. He replied that he believed it was Italian, and that it meant, "If you once get in you don't get out again!"

During my first week at Dartmoor the rain fell unceasingly both day and night. You dripped water, you breathed water, you left a trail of water behind you wherever you went; your boots oozed water as you walked, everything in the house was wet, and nobody seemed to mind. I never knew a place where damp mattered so little and where you cared less what the weather happened to be. I do remember moments of mild protest, as when I fell into a snow-drift above my waist on my way up to the quarry and lost one of my boots in struggling out. But fortunately the snow did not lie throughout the winter.

The prison was supplied with water by an open leat, a little canal which followed the contour of the hill for miles. When the snow fell and drifted, the whole leat was blocked and we were waterless. We then had to call for volunteers to clear the leat. It was a terrible job, because men had to stand above their knees in the frozen water, and their clothes froze stiff upon them while they were marching in; but they took it as a joke, and our difficulty was to select from the many volunteers who came forward.

The first impression produced by the spectacle of convicts marching out to labour on the works is unpleasant. The men march two and two in parties of from twenty to thirty, with an armed warder



beside the last file. There are usually four of such parties, flanked by Civil Guards armed with carbines. The flanking guards are about twenty yards away. Well as they march, the unbecoming, loose, blue-striped slops that they wear make the convicts a rather pitiable body. The presence of the guard suggests menace and repression.

One imagines that the heart is crushed out of the men; that they have become automata, without initiative or individuality. Not until one has seen them in their workshops within the walls, perhaps not until one has talked with them separately face to face, does one come to know that a convict prison is something between a factory, a monastery, and a barrack.

It is obvious that to get work out of a man you must give him an occupation in which he takes interest, either because he likes it or because it is less distasteful than the other employment to which he might be put. As long as he feels that he has something to lose by being idle he will work willingly, and in Dartmoor Convict Prison it may be said that nearly every man is employed on work chosen by himself.

The system is very simple. At his first interview with the Governor each man is questioned about his trade and is told where he will be employed for the first three months. At the end of that period, provided that he has not been reported for misconduct, he knows that he is entitled to have his name noted for the "party" he likes best, but that a report for any breach of discipline will disqualify him for a change for three months from the date of the report. Every party is of fixed strength, and a list is kept from which the vacancies are filled in

rotation. This system acts not only as a powerful incentive to good behaviour, but also as an outlet for personal ambition, without which mankind cannot go on.

One may smile at the idea of ambition within the walls of a convict prison, but in every social state ambition is only a matter of proportion. A handful of men is a microcosm of the great world, and the financier who has made a mistake with trust funds will soon be found expending the same energy in getting into the party that empties the dustbins as, under happier circumstances, he would have expended in getting into Parliament.

The Governor at that time was Captain Johnson, a former Officer Instructor at Woolwich. He was a strict disciplinarian, but a very kindly and humane man. The convicts realised that they could play no tricks with him and, on the whole, the prison ran smoothly. Captain Johnson took things as they were, and did not greatly concern himself with the many projects of prison reform that were in the air. He knew his work thoroughly. Probably he was regarded by his superiors as rather wooden and unbending, but his prison passed the scrutiny of inspecting officers without criticism. Once when the Bishop of Exeter was holding a Confirmation at the prison he asked Captain Johnson whether mental deficiency had brought most of the men into penal servitude. "No," he said, "but think what you yourself would have been if your father, your mother or both, and most of your brothers and sisters, had been thieves."

"You think that I would have been a thief too." The Bishop reflected for a moment and then added, "Well, perhaps you are right."

A Director of Convict Prisons used to visit Dartmoor once a month to try the more serious cases of indiscipline and to listen to complaints and applications. This interview was always a very delicate instrument for gauging the *moral* of a prison. The British convict is by no means a submissive person. A martinet might keep the place in external order, but there would be an ominous simmering that would boil over when the Director came to hear complaints. A weak Governor who sought a quiet life by giving way to his charges would be at once found out through a rise in the number of applications to the Director, for the convict will always take an ell when he is offered an inch, and the weak Governor has to put his foot down sometimes. From this sudden show of firmness the convict recoils as a man would if he was bitten by a guinea-pig, and off he goes to the Director to complain. By this index Captain Johnson was a very good Governor.

In 1897 the number of convicts was about 900. They were a very rough lot, though perhaps not quite so rough as they became later, when we had none but habitual criminals. I used to sit with the Governor at the daily hearing of reports and applications. Our table was separated by a railing, which sometimes proved to be a quite necessary precaution. It was during the interviews that you got to know your men. The usual daily average of reports for misconduct was four ; special interviews, that is when the man was sent for, three ; and voluntary applications from twenty to thirty. The "specials" were sent for to communicate family news, family business, such as the signing of a cheque, or to announce that a letter had been disallowed, for a letter was never

stopped unless the man was told what passages were objected to. Most of the applications were for a change of party, but some of the men really came down to engage in conversation or to show off their cleverness.

In 1902, after an absence of three years as Governor of small local prisons, I returned to Dartmoor as Governor. The Governor of a convict prison never forgets that he is sitting upon the crust of a volcano—a crust which may wear thin at any moment. If his prison is in good order he takes the smaller eruptions in the day's work and does not allow them to disturb his nerves. I remember hearing that one of my predecessors, when things were not going smoothly, instructed his officers that when they found it necessary to come to his house to call him into the prison for any emergency, they were to begin chanting a refrain of "It's all right, sir," as soon as they came within earshot. If the emergency was grave it may be assumed that they omitted the chant and hurried their pace, and then he knew that he was in for it. A Governor who is in this state of nerves ought to resign his post immediately, for he is invoking the catastrophe of which he goes in hourly dread.

## CHAPTER V

### CONVICTS' LETTERS

LETTER-WRITING was one of the Stage privileges.

The "Erasure Book" was very amusing. Formerly, if a passage was objected to, the whole letter was suppressed and the man was told to write another one. Occasionally he declined and it was not unknown for a man who had written a letter full of abuse of the prison officials, from the Governor downward, to write an even more abusive communication, knowing, of course, that it would reach the eyes of those whose feelings he intended to wound. Such men were very clever at detecting and piercing the joints in the armour. Pomposity in a prison official, such as the medical officer or the chaplain, was a very easy target. Naturally, the letters went to the officer concerned for his observations, and as some of these were quite lacking in a sense of humour they were inclined to take the insults very seriously. The Governor did not. I always felt that if a man liked to expend the privilege of letter-writing which he had earned in blowing off superfluous steam at my expense he was quite welcome to the luxury, and no doubt it did me good to hear some frank criticism. A postman who had begun his criminal career by stealing postal letters and had continued by defrauding servant girls of their savings under a promise of marriage, always selected me for his satire. "The Governor thinks that he knows more law than all the judges put together. 'A little

knowledge is a dangerous thing.' " " The Governor thinks that he can do as he likes in this place. Steps will shortly be taken to teach him the limits of his power." It fell to me to send for my critic and tell him pleasantly that his letter, though it contravened the rules, would be sent uncensored, and it then appeared that the addressee was a dummy and that the letter had never been intended to go at all. His face on this occasion was worth studying. Ordinarily, an offending passage was struck out and copied into the Erasure Book and the man was so informed. Gradually the practice of contravening the rules began to fall off, because if one could not get a rise it was scarcely worth the trouble of putting the intended insults down on paper.

Whenever a letter contained a single objectionable sentence, such as the announcement that a particular convict had arrived at the prison, the offending words were deleted and copied into the Erasure Book. As a rule, however, the letters were about family matters and they had a sincere ring about them :

" Give my kind regards to Cock Lawson and the rest of the boys and tell them that I am working in a quarry, cutting granite, and tell them that I am quite contented with my lot, in fact, to tell you the truth, I think it is one of the best things that ever happened to me : it will learn me to keep away from the drink and to keep better company. . . . Who would think that it is fifteen months ago since I was tried, not me ; it seems no more to me than about three months ago. Time flies around very quick working out in the open air all day you don't feel the time going."

Another wrote :

" I am much better in health here, am in the fresh

air all day, you know that that is what I like. I will have a colour like a rose in a month."

Another wrote :

" Dear Eliza, I never felt as strong and well in all my life as I do at present, and I am very glad to let you know that I am learning a good trade to be a plumber and gas-fitter and I am improving very well at it."

Occasionally, with infinite labour a convict would write his letter in doggerel verse, encountering insuperable difficulties in respect of metre and rhyme. Such efforts, at any rate, showed that the life of a convict was not passed in unrelieved gloom.

There is a dare-devil humour about some of the letters that nothing can damp :

" DEAREST DAUGHTER AND SON,

" I write these few lines hoping they may find you quite well and going all right—it used to say on the lamp-posts ' Keep to the right '—I wish I'd took that tip—on my oath I shouldn't be here—it was my sixty-first birthday on Wednesday it almost takes me breath away what little I've got to think that it'll be twelve months before I get another one. I sit here wishing the time to pass as though I'd got as long to live as some of those old sinners in the Bible as couldn't die till they were about 900. Coffin making and undertaking must have been a slow game in those days—The next time I'm tried, and I hope it won't be before old Nelson in the bull ring opens his daylights to see where he is—it will be before a Judge and Jury at the old guy, and I've not the slightest doubt the verdict would be not guilty but don't do it again, with a strong hint from the Judge and Jury that they would take great pleasure in drinking my health with a brandy and soda, not objecting to a threepenny smoke apiece. Next

Lot! The last time at a Sovereign, and I'll not repeat the bidding—Thank you, Mrs. Roberts, that's the cheapest lot I've sold to-day. There's no man I should like to serve better than Mr. Doughty, only fancy hearing, 'What may I be allowed to say for the furniture, fittings and contents of six cells,' all the shutters would be up and the blinds down that day in Princetown, and the Dartmoor Band getting something down them, if there's anything sold strong enough to keep up their spirits before they started to play the Dead March. Long before that happened I should be very likely down Susan Hill at one of them unlettable shops, and some duffer at the Dave shouting only a penny admission—and a few kids around the window saying, 'Oh Ikey, here's a live Mummy from Egypt.' There's no American Barnum humbug about this show here. Barnum used to say, 'Ladies and Gentlemen, the show's going to begin. You can't go in without paying, but you can pay without going in.' Bosh! You can come in this show without paying, and they pay you when you go out and send you carriage paid to any part of England . . . "

Every convict has the right to send a petition to the Home Secretary at any time, provided that he has received a reply to the last petition that he sent. These petitions run, in a convict prison containing a thousand men, to about four or five a day. If they contain statements about the petitioners' health they are referred to the medical officer for a medical report to accompany the petition, but the Governor has no right to detain a petition longer than is necessary for this purpose. Some of the petitions, especially those written by forgers, would be models for a writing master: others are illiterate and misspelt. On one occasion a convict appealed for his release on the ground that one of the illustrated



magazines had shown up the character of a deceased judge who had sentenced him to penal servitude, and as the magazine had appeared months after he had come to Dartmoor it became necessary to inquire how he had had access to it, as it was not one of those that belonged to the prisoners' library. It then transpired that he was working in the bookbinders' shop and that the magazine belonged to the prison officers' library and had in due course been given to him for rebinding. He had contrived, while applying his needle, to read the greater part of the article during labour hours.

The great majority of the petitions were for release, and only a few dealt with grievances in the prison itself. The practice was for a man to put his name down for the Governor and demand a petition. No questions were asked and the form was immediately supplied to him. I often thought that it would be better to adopt the system in force in Belgian prisons, which is to allow the convict to seal up his petition and drop it into a locked box and not allow any of the prison officials to read it until it was referred back to them by the Home Secretary for observations. I understand that this system has now been adopted. The object of allowing petitions is to let every man know that he has a direct appeal to higher authority over the heads of those who order his daily life, and the knowledge that the petition will be read by the very persons whom he is criticizing probably impairs the sense of freedom in these matters.

Sometimes petitions soared in flights of imagination :

"HUMBLE SIR," wrote one petitioner, "I have done my best in all the world, my charity knew no bounds, I have not erimed but obliged to be in prison to

screen others. Oh! Is it to rend the heart of my kinsfolk that I am kept here, think of your own sons being in prison, think of their misery and then of mine, think then of your own fatherly and patriotic heart the heart of our glorious country. My liberation, Sir, would be doing a great good for my country. I have a very great work to do, a work that in one branch alone would give employment to 50,000 hands for a number of years. I leave prison with the full intention of being honourable, straightforward, diligent and everything in the name of good to my most beloved and gracious King and dear countrymen therefore in the name of Divine I cast myself wholly upon the mercy of the State.'

Cruel that such a moving appeal should have brought nothing but a statement that the "fatherly and patriotic heart" saw no grounds for advising a reconsideration of the sentence; more cruel still that when the petitioner came to be discharged he was again in prison within the month!

The Governor came to know more about the character of his charges from these interviews than in any other way. Occasionally a convict who was not immediately given what he wanted would break out into violent abuse or attempt to climb the railing. He was then put under report—that is to say, removed to a cell to await his trial on the following day. If he then apologized and pleaded that he lost his temper he was let off fairly lightly, but occasionally he made it clear that he had decided to "do it rough." He was then awarded dietary punishment and was removed to the cell shouting defiance. He would tear up his clothes and smash his furniture and be placed in an unbreakable cell, where the bed was screwed to the floor and the windows were out of reach. I remember one man

who succeeded in chalking up on the wall his candid opinion of me in letters a foot long. On the first day when I visited him he edged to the wall so as to give me a full view. On the second day he was standing in front of his mural placard, spreading his arms as wide as possible in an attempt to conceal it, but I could see enough to know that he had spent some time in trying to rub it out. I had a heart-to-heart talk with him then and came to an understanding. That was the last time that he incurred punishment during his sentence.

These men of violent temper were always easy to deal with and one could not avoid having a sneaking liking for them. The best way of dealing with them was to put them on their honour. I used to tell them that I intended to keep them out of trouble if I could, but that they had got to help me. Thereupon we struck a bargain. When they felt the fit coming on they were to grit their teeth and keep their mouths tight shut until they had seen me ; then I would go into the grievance and if I thought that they had not been fairly dealt with I would remove them to another party out of temptation's way, but if they broke their undertaking and "let go" they must take their punishment like men. Fourteen years after I had left the prison I encountered in London one of these very men. The first thing he said to me was, "Do you remember how it was that I got nearly all my remission marks at Dartmoor when you were Governor?" I did not. "Well," he said, "it was you that put me into the quarry-smiths' party on condition that I did not lose my temper, and I kept my word and I now have got another sentence before me and I wish you were Governor still."

I have often tried mentally to reverse the position and imagine that I was standing in the line of applicants waiting for my turn. A man farther along the queue would go through a door, which was closed behind him. I could hear loud voices and in a moment the door opened and the man was ejected, very red in the face, and conducted to the cells, and my turn was not yet. Moreover, I had been standing in a row without my dinner (which was being kept warm for me), waiting for my turn, and just before me was a known time-waster who had put his name down for the Governor only to bandy words with him. I would have had much the same feeling as an impatient traveller detained in the queue at a booking-office with four minutes to catch the train, while a stout lady was searching the recesses of her clothing for her purse and asking a string of irrelevant questions of the booking-office clerk. Then my turn would come. I would step into the little room and give my name and number, and then, with as much patience and presence of mind as I could muster, I would prefer my request. But an iron railing reaching to my chin and a table at which three grave persons were sitting in a row would not be conducive to a collected train of thought, and then if I were burning with indignation at what I believed to be the unfairness of my warder, or secretly alarmed at the threats which a fellow-convict had levelled at me between his teeth during the morning, or suffering under the odium of being suspected throughout the prison of giving information to the authorities and the Governor refused my request to shift me into another party where I could make a fresh start, I should become a prey, after the interview, to indignation or to despair.

Or, in another mood, I might be ambitious (for, strange as it may seem, ambition, as I have said, is one of the driving forces of a convict prison). I am aiming at the blue ribbon—to be an orderly in the officers' mess, or, if my soul is above scullery work, at being orderly to the librarian and distribute the books. If the Governor is in an expansive mood he will tell me that there are seventeen names down before me—and my heart sinks. I might have known that all the soft jobs in the prison have a long waiting list, but he has noted my name, and in a day or two I will come down again and ask to be noted for the dustbin party, because that will carry me down the street of Princetown, where I shall see life. Also, I shall take part in emptying the dustbins of the superior officers, which will give me a chance of winking at their children and obtaining a bright smile in response, and perhaps, by some extraordinary chance, I may find among the dust a little bit of tin, out of which I shall fashion a toy for one of them and throw it to them as I pass. For to young children a man is a man and a kind man is a kind man, and it does not matter whether he is wearing checks or blue cloth or the khaki of "His Majesty's convicts." One learns quite a lot of life in the dust-cart party, because one will tidy up the recreation-room and sweep the stage after theatrical performances and criticize the latest efforts of the convict scene-painter, who has depicted family portraits upon the walls of the baronial hall, and a few cakes have been left over on the refreshment table, to say nothing of half-smoked cigars and cigarettes. Why should not ambition burn brightly in my heart?

One hears a good deal in fiction about men being

innocently consigned to prison. Most convicts will assert their innocence, but you will generally find that what they mean is that another man who received a lighter sentence than they was the more guilty, or that they were the tools of a man who got off altogether. Sometimes they base their claim on the witness having represented them as having been worse than they really were. In all my experience I remember only one case of a mistake, and that was righted by telegram in less than twenty-four hours.

Among the outgoing letters I noticed a sentence, "Bill is in here. He'd better keep out of my way or I'll do him in." The writer's record showed that he had been convicted of wounding a dock policeman with an iron crowbar during the course of an attempted warehouse robbery. I sent for him, and there rolled into the room a burly, red-faced dock labourer of about forty, who had a clean sheet. When he saw his letter in my hand he said that he meant nothing and that I had better tear it up.

"But who is 'Bill'?"

"Never mind, sir, I meant nothing by it. What's done's done."

I pressed him and he then told me that "Bill" was William Jones; that they lived in the same street in Wapping, and that it was Jones, not he, who had laid out the policeman; that Jones was now in Dartmoor for another offence, but that he was content to do his time and did not want to injure Jones by what he had said. When he had gone I sent for Jones, and beheld the letter-writer's double in build, age, and complexion. To my surprise, he incriminated himself by confirming the story in every particular.

“ Why didn’t you come forward before and do justice to the man ? ”

“ Well, sir, he wasn’t as innocent as all that. It was this way. We were both going to the job, but at the last moment he went sick and his wife wouldn’t let him come. If he’d stuck to his word he’d have been there all right and downed the ‘ cop ’ instead of me.”

It was easy to see how in the dim light in the warehouse at night one man should have been mistaken for the other. I sent the particulars to the Home Office that day, and on the following morning I was authorized by telegram to discharge the letter-writer.

## CHAPTER VI

### MONTE CARLO WELLS

THE fallacy that has persisted for more than a hundred years in the minds of prison reformers is that there is any relation between the conduct of a man in prison and his conduct when he is set at liberty. Perhaps there is a tendency even in the administration in Whitehall to regard all convicts as men cut to the same pattern, whereas there is as much variety of character among them as there is in Whitehall itself. The very worst men may, by sheer force of self-interest, serve their whole sentences without the loss of a remission mark, and men with a great deal of good in them, chafing under the restraints of discipline, will break loose time after time and forfeit a great part of their remission and yet never again offend against the law. Between these lies an almost infinite gradation of character. "Monte Carlo Wells," who was in my charge at Dartmoor, was an example of the man who sins through sheer optimism.

I suppose that few people now remember the days when the "Man that Broke the Bank at Monte Carlo" was the hero of the evening papers and of a popular song. If his brief summer of popularity had bloomed in these days he would have accepted an offer from some music-hall and have made more money than he did by breaking the bank or than he lost by futile speculation. He might even have



avoided two long terms of imprisonment. As it was, his short-lived triumph was followed by proceedings in the police court for fraud, and he disappeared from public view on the wrong side of the prison gate.

If I were the Recording Angel (that I am not is one of the many things I have to be thankful for) my credit and debit ledger for poor Wells would be very different from that of the Calendar of the Old Bailey. Granted that many poor people suffered in their pockets from him ; granted that he may have defrauded the widow and the orphan by his specious promises : it is the motive that I would have judged him by, and his motives were always dictated by a pure-souled optimism. He intended to make all their fortunes—and his own. For to him all that glittered was gold ; his mind was the philosopher's stone of the alchemists which transmuted all the baser metals into gold. And so it was that while he was busy losing his own money he was losing that of others as well. In the frigid language of the law, he defrauded investors by false representations. Of course he did : if when I met him he had been a free man and I had had money to invest and he had held me with his glittering eye and discoursed fluently on his latest project for making money, he would have defrauded even me, who have a fairly wide acquaintance among fraudulent company promoters : so great is the persuasive power of the man who believes in himself ! No doubt he broke the bank at Monte Carlo by being so sure that the black would turn up that the little demon who controls the shuffling of the pack could do no other than comply with him. Of course the investor brought face to face with such bright-eyed confidence turned out his pockets :

but hard economic facts will not yield to the personal touch and it was these that brought his gilded schemes to naught.

When I first knew Wells he was in the middle of his second term of imprisonment. Released from prison after his first term, he turned his mind to fishing. He had been a gentleman who kept his own yacht. He loved the sea and all that swam in it, and he loved even more to dwell upon the profits that might be earned by him who could provide a constant supply of fresh fish to the London market. All that was needed was boats, nets, and organization. The public would provide capital for the first two and he would provide the third. Moreover, he had one boat already, and from a leaky, rotten cutter she grew, in his alchemist imagination, to be a smart, tight, seaworthy trawler. From this it was but one step to a fleet of trawlers fully equipped with trawls and drifts, and there was your fortune ready made.

It was the period of annual exhibitions: that year it was the "Fisheries," though it might as appropriately have been called the "Colinderies" or the "Frencheries" or the "Metalleries," for all the fish you found there. But in one rather remote corner stood the model of one of Wells's inventions—a method of saving life at sea. His mind would naturally run upon inventions for saving rather than for taking life. My readers can imagine the contrivance: the model of a steamer slowly submerged in a transparent water tank, leaving its upper works floating as a raft on the surface. The raft was to be provisioned for thirty days, and when your steamer sank beneath your feet you continued your voyage on the raft. A rather dreary-looking clergyman stood by the tank and from time to time pulled the

string that sank the steamer, and when a goodly crowd had collected to see the only thing in the Exhibition that did something he began to distribute leaflets of Wells's Fishing Company in Ireland. Some of the ladies read the flaming prospectus and, seeing the reassuring clerical dress of the distributor, quite naturally went to him for advice. One would always choose a clergyman to advise one on a difficult financial problem !

"Twenty-five per cent.! My dear! Why, I am only getting five on the money Aunt Mabel left me. I really must ask."

Then they would flutter up to the clergyman and say: "Excuse me; I have read this leaflet. Does it really pay twenty-five per cent.?"

"I believe it does, madam."

"Oh! Then is it the kind of investment you would recommend? I am not a rich woman, you know."

"Speaking as a clergyman of the Church of England, I should certainly recommend it."

He might quite truthfully have added, "I am in it myself," but that was unnecessary. His weighty manner and his clerical attire had done the trick.

Now I happened to know something about this clergyman of the Church of England. Many years before at Bishopthorpe, during the holidays when I was still at school, the conversation at luncheon turned upon the difficulty of getting rid of beneficed clergymen who had shown themselves unfitted for their "cure of souls," and my father told us how some five years before he had succeeded in ridding his diocese of a Vicar who was afterwards sentenced to seven years' penal servitude for forgery. In some respects he was a model incumbent—diligent,

popular, a good preacher, an excellent man of business when it came to the parochial accounts. He had, however, rather startled his Archbishop in one of his visitations by sending to the station to meet him a smart brougham and pair with a liveried footman—the sort of equipage that was beyond the reach of people with an income of less than £5,000 a year. The Vicar had certainly not had private means when he was inducted and no one had heard that he or his wife had come into a fortune. My father mentioned the incident to the Archdeacon, who seemed surprised, but he thought he remembered hearing that the wife had inherited a little money. A few months later my father learned that a great scandal was brewing. A forged cheque for a large sum had been traced to the Vicar; the bank was determined to prosecute, and if there was a conviction my father would be involved in the costly and difficult proceedings necessary for depriving the Vicar of his living. Meanwhile, the parishioners would be left without a clergyman. He sent for the Vicar and pointed out that a grave scandal to the Church would partly be avoided if he resigned his living immediately: if he were acquitted some provision might be made for him elsewhere. At the close of the interview the Vicar wrote and signed his resignation, and he was no longer a beneficed clergyman when he was arrested.

Now comes the most curious part of the story. My mother said, "If he got seven years he must be getting very near the date for his discharge."

"So he must," said my father. "I hope he won't come to me."

That afternoon my mother and I drove into York: we passed a station cab going towards Bishopthorpe.

In it was a florid man in clerical dress. All I had noticed about him was his red beard, but my mother clutched my arm and exclaimed: "How extraordinary! That was Mr. M.—, about whom we were talking at luncheon."

Some secret telepathy must have brought his case into the conversation. We heard on our return home that he had actually come on the very day after his release from Portland to entreat my father to give him another chance.

And here he was at the Fisheries; older, greyer, and more ponderous, pulling the string of the toy steamer and netting fish for his optimistic partner, Wells. Probably Wells believed in his own schemes: his partner certainly did not. And yet when it came to the trial it was Wells who had the heavier sentence of the two.

The Governor of a great convict prison may never get to know some of his charges unless he lays himself out to know them all. The contented convicts go through their sentences giving as little trouble as possible, never incurring "reports" and never putting their names down to make an application to the Governor. Wells was one of these. I had made it a practice to find some excuse for sending for these men with a clean sheet in order to give them some reward or encouragement for their consistent good conduct and to get into their confidence. I found that this policy was bread cast upon the waters: it returned to me in the form of a better and more contented tone in the prison generally. One day a letter from a convict to his wife caught my eye. It was a most refreshing document. The writer represented himself to be in the best of all possible worlds, where the food was excellent, the warders kind and

considerate, the work congenial, and the library full of interesting books. What can a man ask more ? But he asked for much more—" for the silver tones of a loved one's voice," for " the touch of golden tresses flowing through my fingers " and for " a lock of the same tresses to bring back the golden past." I stared a little at these poetical excursions, for, according to the calendar, Wells was past fifty, his few remaining hairs gave no indication of their former colour, and if the lady was approximately of the same age, then her tresses could no longer be golden without adventitious aid. I inquired whether Wells was still married to the French lady who had been his companion on the yachting tours, and was assured that this was so ; that the lady had visited him in prison a few months before and that she was a very full-blown rose indeed. A Darby and Joan attachment would have been more natural than the romantic and fiery passion indicated in the letter.

So Wells was summoned to attend my daily levée, and this was our conversation :

" I have been looking at your sheet, Wells, and I see that you have never been reported and have never made a single application in more than two years."

" No, sir ; the fact is I didn't like to trouble you."

" You have been a long time in the tailors' party. Would you like a change ? You have earned it, you know."

" No, sir, thank you. I am very happy. All the officers are kindness itself, and if sometimes I find the time hang heavy I reflect that everyone is doing his best and that time is rolling on."

" Is your health all right ? "

" Perfect, sir : I never trouble the doctor."

"Have you all the books you want?"

"The librarian is very kind to me, sir. I never have to wait long for a book. The fact is I am making a study of Dickens. I never had time to read him before. A wonderful author, sir."

"You will be discharged next year. What are your plans?"

"Ah, sir: there you are asking me a difficult question. My head is full of things—little inventions, little plans."

I thought of the floating raft and the fisheries, and perhaps a shadow crossed my face, for he said quickly: "I know what you are thinking, sir, but believe me, it was only a bit of bad luck that brought me here. Everything ought to have gone as I said; I had figured it all out, and instead of 25 per cent., the shareholders would have got nearer 50, and I should have been a rich man."

"That is what I fear. Your optimism may carry you away again, Wells."

"It is curious your calling me an optimist, sir. It is what my dear wife always calls me. But she will keep me straight."

He went on to tell me his plans, and, on the whole, they seemed innocuous. I wished that they included the writing of a book on prison life. It would have been less dreary and far more instructive than the usual run of such publications. The interview terminated with a request that at some time when I was not too busy he might come and see me again, but he added characteristically that he would like to be placed last among the applicants.

"You see, sir, these other poor fellows would be kept waiting for their dinners while I was seeing you, and I shouldn't like that."

At intervals of about three months he would appear, and I could not help feeling that the air of that gloomy place was brightened every time he came.

At last the day arrived for his discharge. He had his last interview with the chaplain and the Deputy-Governor, and disappeared into the hands of the Prisoners' Aid Society and the care of his old wife, who, I gathered, was endowed with the practical wisdom that belongs to every Frenchwoman. I saw him no more: he remained a memory of the pleasantest and the most unselfish of all the rascals that passed through my hands.

Monte Carlo Wells is dead. A man with such a temperament ought to have been immortal: he ought not even to have grown old. I am quite sure that it was his bodily machine that wore out and that his spirit was invested with perennial youth. A few weeks ago an obscure newspaper in London published an imaginary interview between Mr. Lloyd George and the King of Terrors. No appointment had been made by the Private Secretaries. The dread Visitor just walked in, and when the Prime Minister, with his customary quickness of apprehension, recognized his visitor, he said, "Now, draw up your chair and let us have a Conference." The Visitor brushed this aside and announced that no conferences were possible with Reality. I can imagine what Monte Carlo Wells would have said on a like occasion:

"You are Death; and you want me? Certainly. I hope I haven't kept you waiting, sir. It is so cold in that outer room. Are you taking my darling wife too? I shouldn't like to leave her. No? Well, just as you think best, sir, of course, but we



should have liked to go together. I know, sir, that some people would think, considering my rather unfortunate experiences in this world, that I'd be glad to leave it. They would be wrong, sir. On the whole, people have been very kind to me. I am only sorry to have given them so much trouble."

And when the King of Terrors laid bony fingers on him he would add, "Oh, sir, you're cold. Won't you warm yourself a little at the fire before we start. No? Then I'm ready."

## CHAPTER VII

### LOMBROSO'S FALLACIES

It is doubtful whether the fallacy that there is a criminal type will ever be expunged from the popular mind. Counsel was darkened by Lombroso and his "positive" school, which asserted that crime was a morbid or pathological state akin to disease and was due to certain physical or mental defects made manifest by certain stigmata. These, they declared, were inherited, and those who possessed them were predestined to commit criminal acts and no system of punishment would avail with them. The logical result of this theory, if it had been true, would have been an elimination of the unfit or medical treatment of them all. Like all false generalizations which have a small modicum of truth, the theory was dangerous. It was sensational and it caught the popular imagination, which was already prone to believe that the criminal was a sort of boggy-man who might leap upon you in the dark. He was an abnormal creation with the predatory instincts of a wild beast, and it is this ingrained belief that makes the attempt to rehabilitate a criminal by offering him employment extremely difficult. The people cannot be got to see that a man who has lapsed is a person of like passions with themselves and amenable to the same influences.

The danger of the Lombroso doctrine was that it stamped with the hall-mark of science these vague

preconceived ideas, whereas Lombroso's methods were not scientific at all. Starting with his own postulate, he set about by observation to find support for it and selected his evidence, but his field of observation was extremely limited and it was only because he was a writer of some imagination and diligence that he was able to obtain a hearing. The Continental nations have always been more prone to theorize about crime than we have, and it has taken many years for them to become convinced that Lombroso's doctrine was unsound.

There are no characteristics, physical or mental, which are not shared by the people at large. There is no criminal type, nor even a prison type, although men in the prison uniform with their hair cut short soon fall into the convict ways of marching, and this sometimes impresses the casual visitor. I defy anyone to pick out from any chance aggregation of his fellow-countrymen an ex-prisoner, even if he were told that one was present, more easily than he would detect an ex-postman or an ex-policeman. It was necessary, if the truth was to be established, to apply the statistical method, and this was done in England by a Professor Karl Pearson and the late Dr. Goring, a prison medical officer. These observers began their inquiry with an open mind. They were prepared to regard all men as morally or mentally equal in the absence of pathological divergencies. They set out with the idea that men could be divided only into normal and abnormal—normal being the product of the natural laws of existence and abnormal only when supplanted by some pathological process. The qualities that have to be considered in relation to crime are not abnormal qualities, but qualities common to all humanity. Law-breakers are not a

special breed differing from those who keep the law, and law-breaking is not different in quality from other forms of anti-social conduct for which men are not punished even if they are found out. That is why statistical methods are necessary for the scientific study of the criminal; only by measurement can differences be established, and statistics are a refined instrument for making measurements.

For the purpose of the inquiry the convict prisons were put at the disposal of the late Dr. Charles Goring. There is no space here for describing in detail the process under which comparisons were made between criminals and the non-criminal public, with the hospital population and with soldiers, between the skulls of criminals and skulls exhumed in Whitechapel 300 years ago. It is enough to say that among 200 heads of criminals, only one could be found which was abnormal, which is less than has been found among insane people in Scotland and probably about the same as would be found in any section of the law-abiding community. Comparison of the head-measurements of criminals with those of undergraduates at Oxford, Cambridge, and Aberdeen showed that the prison inmates as a whole are closer in head-measurement to the Universities generally than the students of the different Universities are to one another. It would, in fact, be easier to take the measurements of an undergraduate's head and say whether he was studying at an English or Scottish University than to predict whether he would be a University Professor or a convicted felon. A comparison of the head-measurements of 800 convicts with those of 118 soldiers demonstrates absolutely that, so far from criminals as a class having low and receding foreheads, projecting occi-

puts, sugar-loaf or dome-shaped heads, the differences are so trifling that it can never again be said that a criminal tendency can be inferred from the shape of a man's head.

From all these comparisons, conducted on the biometric method, Dr. Goring concludes that "no evidence has emerged confirming the existence of a physical criminal type such as Lombroso and his disciples have described. The data show that physical differences exist between different kinds of prisoners, precisely as they exist between different kinds of law-abiding people. . . . There is no such thing as a physical criminal type."

But although no physical type can be demonstrated, yet certain physical differences in criminals did become apparent. Excluding persons convicted of fraud, it was found that in stature and weight convicted criminals were markedly below the non-criminal part of the community. This is exactly what one might expect. It is not due to degeneracy, atavism, or any other mental or physical defect. It is due rather to the fact that as a good physique determines a man's occupation, so a bad physique predisposes him to a criminal career. Probably the man of poor physique is more easily caught by the police, for, as everyone knows, it is, unhappily, only a percentage of criminals who are detected and arrested. Moreover, persons of good physique are less irascible and prone to violence, and the weak man who wants to get even with an enemy has recourse to incendiarism or some other mean act of the same kind. The convicts convicted of fraud were in weight and stature very much like the law-abiding public.

Dr. Goring did not deny that physical infirmity

may tend to become inbred in the criminal classes if it is true that small men have small sons. There is some support for this in statistics, which show that industrial and reformatory school children are, on the average, one inch shorter in stature and several pounds less in weight than any other class of school children of the same age in the United Kingdom. As far, then, as physical type is concerned, it may be conceded to Lombroso that thieves, house-breakers, and incendiaries, who form about 90 per cent. of all criminals, are shorter and lighter than the general population.

Dr. Goring made exhaustive inquiries with a view to discovering a mental criminal type. He found, as one might expect, a percentage of mental defects among those convicted of stock-firing (53), of rape (16), of stealing (11), of manslaughter (5), whereas among those convicted of embezzlement, forgery, and other forms of fraud, the percentage was practically zero. It will be remembered that the Commission on the Care of the Feeble-Minded estimated that 0·46 per cent. of the whole population of England and Wales are mentally defective, and that in prisons, casual wards, shelters, etc., 10·28 per cent. were defective. It was, therefore, clear that in mental capacity the average in prison was lower than it was among free men; but mental defectives are not a special class of human being, they are merely persons of a low level of general intelligence. Mental deficiency among convicts includes persons of unbalanced mind, the impulsive, the excitable, and the passionate people, who are to be found among persons of all mental grades, either in or out of prison; but in examining 1,000 cases of persons convicted of crime it would be found that the percentage of mental

defectives varied from 6 to 35, according to whether the offender belonged to the professional, the commercial, the artisan, or the labouring class. Dr. Goring came to the conclusion that most of the crimes committed to-day were due not so much to inherent wickedness as to natural stupidity. The two factors that go to make modern crime in the mass appear to be defective physique and defective intelligence.

I will give an illustration of one of the impulsive class of mental defectives at Dartmoor, where the average was, roughly, rather less than 10 per cent., because those cases which suggested insanity were generally removed to other prisons.

One there was—we will call him X—whose prison history had been one long fight against discipline. A fellow-convict could scarcely look in his direction without provoking a burst of obscenity; the number of his fights was beyond recording, and when a fit of rage was on him he was scarcely human. During the last of his four sentences growing deafness had made him more obtuse, and though he had no delusions and was perfectly rational in conversation, he was, at his own request, placed in the observation party, in order that he might work by himself in his cell.

Here, for the first time in his life, he succeeded in earning his stage privileges, and he entered into a compact with me that he would keep his mouth tight shut whatever provocation he received.

Now, X had a tame mouse, on which he lavished whatever tenderness was in him. It should be explained that the Dartmoor fields swarm with little brown field mice. They are easily tamed and easily secreted, and though it is contrary to the rules

for pets to be kept, the warders used to look the other way when mice were in question. I had long observed that pet birds and mice kept violent men out of mischief. In an ill-starred moment X came into possession of a second mouse and another "borderlander" begged for it. X promised it but afterwards repented.

Then the mischief-maker of the party—a man with more method than his fellows, more wicked than insane—got to work. He whispered in the ear of the disappointed man that if he wanted to be avenged for the breach of contract he had only to strike X a sharp blow on the breast pocket and he would kill his tame mouse. As the two men passed at exercise that morning the "borderlander" struck X a blow with all his force. X stood still and turned as white as paper; every muscle in his body was working, but he had his underlip between his teeth and so kept his promise to me until they got him into his cell.

What hell he passed through that night one can only guess at. Through the twelve hours he lay brooding on the injury, turning it over and over in his mind as such men do, and in the morning he found himself again on the exercise ground with his enemies. Then, with a rush, the torrent burst its banks, and the words in which he clothed his thoughts would burn a hole in this paper if I dared to set down the mildest of them. Not knowing the story, the doctor passed him fit for punishment, but afterwards revoked the certificate, and X, who cared nothing for the punishment, but cared very much about having broken his promise, when he knew that he was to be let off, cried like a child and swore by the God above him that he would kill himself if he



ever broke his word again. He had broken out, he said, not for his own sake, but for the sake of his "dear little mouse."

When we are agreed that there is no criminal type except in so far as the average inmate of a prison is smaller and poorer in physique than the average free man, we have to consider whether heredity or environment is generally responsible for the moral defects of criminals. The family histories of 1,500 convicts were examined and it was found that the percentages of criminal offspring increased progressively according to whether neither parents, the mother only, the father only, or both parents were criminal ; second, that the percentage of criminal offspring becomes steadily greater as the age of the children increases from fourteen to twenty-three. It was interesting to find that the mean age of criminal enlistment is twenty-two, with a deviation both ways of nine years, and therefore thirteen to thirty-one may be regarded as the age when a disposition towards crime is most likely to be revealed. It was further shown that the probability of conviction is greatly increased when a brother has been convicted ; and this is particularly so in the crimes of stealing and burglary ; but though crime may recur in families already criminally tainted, this does not really bear upon the question of heredity. It may be due to contagion in the home into which the criminal is born. The question cannot be decided by observation alone. A statistical examination of family histories is the only plan, for there is abundant evidence pointing both ways. The summary of all Dr. Goring's investigations on this head come to this—that the tendency to be convicted and imprisoned for crime is no more inherited than any

physical or mental qualities or pathological conditions, but what may be inherited is mental defectiveness, which is by far the most significant factor in the etiology of crime. The popular idea that illiteracy, alcoholism, and poverty are the causes of crime is unsound. They are nothing more than associated phenomena. All it means is that there is a more frequent occurrence of criminal acts among persons living on a low rather than on a high economic scale.

It was startling to find that if there is any relation between the degree of education of a convict and the frequency of his convictions it is those that have had no schooling who are the least frequently convicted and the worst penal records are those who have passed through reformatory and industrial schools. Deaths from alcoholism are twice as frequent among prisoners as amongst the general population (26 per thousand as against 12 per thousand), but the incidence of two statistical facts does not show which of the two comes first. Does the alcoholic tend to become criminal or the criminal tend to become alcoholic, or is it merely that crime and alcoholism are both due to defective intelligence? The latter is probably the correct view. Alcoholism is not a cause of crime, for the worst recidivists, as a rule, do not drink. Also it appears that particular occupations tend to produce criminals, quite apart from the scale of wages earned, for sailors, miners, and labourers are relatively free from crimes against property, whereas clerks, shopkeepers, and men engaged in commerce seem to furnish more than their proper quota. Even the professional classes furnish nearly their share: 4 per cent. of the general population belong to the professional classes and the number of convicted thieves belonging to this class

is 3 per cent. As 95 per cent. of all offences belong to the acquisitive category, it is impossible to say that poverty is a cause of crime.

Among Dr. Goring's conclusions is a conviction that crime is only to a trifling extent the product of social inequality or adverse environment and that there are no physical, mental, or moral characteristics peculiar to the inmates of English prisons : that one of the principal factors in crime is mental defectiveness, and as this may be inherited there is some slight support for the doctrine of heredity.

Dr. Goring's inquiry was the first in which the statistical method has been applied to criminals, and though there may be nothing new or startling in it I confess to have been surprised at some of his conclusions. When one deals day by day and year by year with criminals in the mass certain conclusions are bound to take root in the mind. For example, I recognized a small but noticeable class of persons of considerable intelligence and in no way mentally defective who seem to have been born without any moral sense. These, of course, it was impossible for Dr. Goring to treat statistically. Most of them had had a good secondary or public-school education, they were men and women who could make themselves very agreeable ; one or two of them had published books. They could pretend to all the moral qualities, but in point of fact they were the embodiment of selfishness. Their *ego* was so inflated that in their hearts they felt that they had been badly treated. It ought to have been esteemed an honour for their victims to relieve their necessities. They were born, they thought, to a particular way of life and it was the duty of society to provide them with the means. Except for this obliquity of vision they

had quite decent feelings. They were invariably polite, they worked well, they gave no trouble; but there was no class in the prison which was likely to profit so much from punishment, for if they once understood that indulgence in their particular temptation would entail another sentence of penal servitude they had quite self-command enough to abstain from it.

There was a peculiar shamelessness about this class of man. He could not understand that society might give him the cold shoulder, and though he knew that he had been convicted of a disgraceful crime he hoped that the world, like himself, would treat it as a gentlemanly accident that might happen to anyone. I remember how one of these men addressed me at our first interview on the morning after his arrival at Dartmoor. He stood looking at me with a peculiar smile. I asked him curtly for his name and number. He said, "Don't you remember me?" and gave me his name. I shook my head. "Why," he said, "we had rooms on the same staircase at New College," and then he plunged into an apology for his various convictions for fraud, in which the prosecutor or society was represented as being more guilty than himself. I lost no time in getting him removed to another prison.

I should have put the number of mental defectives down at about 10 per cent. in Dartmoor. Some of them were quite rational, but at irregular recurring periods there would come a fit of cerebral effervescence, when their rages were uncontrollable. One or two were patient, harmless creatures who had got it into their heads that they were persecuted by the other men and had asked to be put into the observation party for protection.

There was one—a perfectly rational man in all ordinary relations—who was serving a sentence of fifteen years for manslaughter. Long before I came to the prison, when the discipline was devised to squeeze all men into the same mould, he had given a great deal of trouble, for nothing would shake his determination not to contribute in any way to a sentence which he considered unjust. The judge had sentenced him to penal servitude. Very well, then he could be incarcerated, but in so far as the sentence prescribed labour, he would have none of it. From the very outset he refused to work. Everything was tried. He was made to walk behind the reclaiming party to their place of labour ; a spade was put into his hand : he dropped it and chose to stand in handcuffs beside the guard until the day's work was over. A little later he refused to march out with the parties and men were told off to carry him, and I dare say that when his convict bearers put him down they did it rather suddenly. The result was always the same, and the authorities in those days at last gave up attempting to coerce him. At any rate, when the observation party was started I found him there. It was a grim existence that he had chosen. Ten or a dozen cells had been set apart on the lowest floor of No. 5 prison. Each was furnished with an iron gate, and during the daytime the cell door was open and the men worked behind the gate at some light occupation, while a warder, who was much liked by them, patrolled up and down outside. In the afternoon they went out to the exercise yard and walked round for an hour with an interval of six paces between each, and even then they would sometimes quarrel. The man who would not consent to penal servitude would take his exercise

and his food, but all day long he walked up and down his cell, reserved, serious, and self-contained. He made no complaint, he gave the warders no trouble, and so he continued for the greater part of his sentence until he was transferred to Parkhurst. What became of him I do not know.

## CHAPTER VIII

### • INCIDENTS OF CONVICT LIFE

AMONG apologists for the prison system there has been, it must be confessed, a good deal of loose talking and loose thinking about the reformation of character in prison. To begin with, few men come to prison until they have slipped far down the incline. A sentence of imprisonment brings them up with a jerk and gives them time to think, but that belongs to the deterrent aspect of their punishment rather than to reformation. Moreover, they are not long enough in the place to give the chaplain, the schoolmaster, and the senior officers much chance. Think what it means for the chaplain to have a private talk with 500 men who are in to-day and out to-morrow. If he gives twenty minutes to each of them it must be many weeks before he can see a man for the second time. Probably even the most eloquent sermon on Sunday has about the same amount of influence on the lives of its hearers in prison as it does in free life, and that is very little. I think that the most that we can expect from even the best-ordered prison is that it will give time for reflection and be sufficiently uncomfortable to make its inmates disinclined to try it for a second time.

It is idle to pretend that our prison system is perfect. All that can be said of it is that it is probably the best that can be had for the money. We have pushed classification as far as it will go without the expenditure of a very large annual sum. If

classification were to be perfect there would have to be nearly as many classes as there are prisoners. It is the defect of all institutions that they cannot be run at all without organizing them for men in the mass. Institutional life is a cramping and a narrow life even in a religious community. How much more is it narrowing when the inmates are there against their will and with a sense of degradation? There is therefore some colour for the charge that prison life is dehumanizing. For the weak and the sentimental, living by strict rule is a bracing tonic: to the intellectual man it is a severe ordeal. How is this defect to be remedied? If you allow indiscriminate association and talking there would soon be an outcry about contamination. If you pick and choose special cases for alleviation of the rules there are at once complaints of favouritism, and the discipline of the institution goes by the board. The remedy is to quadruple and quintuple your staff at a cost which Parliament would never sanction. The hard common sense of the community is satisfied if the prisons do succeed in deterring a certain number of prisoners from preying on the community.

Another defect is that there is no such thing as hard labour. Owing to the exigencies of the eight hours' day for warders, associated labour in local prisons ceases at 4.30 every afternoon. The men then continue their tasks in their cells, but in practice no man, whether sentenced to simple imprisonment or to hard labour, really does a day's work such as he would do if he had to earn his living in free life. Here again the remedy lies in increasing the staff at a huge cost to the tax-payer, and I do not know whether the habits of industry inculcated during the short sentences of these days would result in inclining



the prisoner to honest courses after his discharge. Another defect is the variation in the ability of the warders. These are selected from the best material that can be obtained for the pay, but men in that class differ quite as much in their aptitudes and their characters as they do in any other class. Though a certain number fail to pass their probation, it frequently happens that a man who successfully passes his examination and obtains quite favourable reports may fail to rise to responsibility afterwards, and yet such defects as he has are not sufficient ground for throwing him back upon the world. The surprising thing to me is that a life so dreary as that of a prison warder does not dehumanize him. He is as kindly, as forbearing, and as assiduous at the end of twenty years' service as he was at the beginning. The Prison Commissioners are said to find some difficulty in securing suitable women for service as wardresses: it is remarkable that they can find any at all, for women prisoners are more troublesome and difficult than men, and to a young woman the monotony of the life must be most distasteful.

During the summer months there were daily excursions to Princetown from Plymouth. It was a tradition many years before that parties of visitors might be escorted round the workshops by the Governor's messenger, who sucked thereout no small advantage in the form of tips. The practice came to an end through an incident in the basket shop. Among the party of visitors was a certain Jew who recognized among the convicts a former competitor in trade who had come to grief largely owing to the evidence given by himself at the trial. It was not in the nature of such a man not to gloat over his fallen enemy. He stopped and grinned at

the unfortunate convict, who was sitting at his board on the floor. Discipline went to the winds. The basket-maker had a knife ground to exceeding sharpness for cutting the osiers, and he sprang to his feet with the weapon gripped in his hand. That was enough for the young Jew, who scuttled away after the party with a blanched face. This incident put an end to the practice of escorting visitors round the prison, and in my time only persons who had a legitimate claim were taken round by a principal warder. Ladies were never admitted, the only exception I remember being the ladies of the royal party on the occasion when the Prince and Princess of Wales (now the King and Queen) visited the prison. Even the gallery in the Chapel, where pews had been reserved for the families of the staff, had to be closed in order to make room for convicts when the number exceeded 1,000.

I think that the men liked to see visitors. They came as a breath from the outside world, and a man had only to bend over his work to escape recognition if he wished to. There was an invariable rule that no particular prisoner, however interesting or notorious, was to be pointed out to a visitor, and there was a further unwritten rule that in no case must a visitor inquire for what crime a particular convict was doing his sentence. It was naturally the first question that rose to the lips of every stranger. Even in that unbecoming garb there were men who, in their bearing and their features, appeared to belong to another sphere, but these were often the worst men as far as moral obliquity is concerned.

The workshops within the prison resembled a busy factory. Among the trades carried on were tailoring and shoemaking, which employed about

100 convicts. The uniforms for the Greenwich Hospital School, the clothing of the prisoners and of the warders kept these men busy. They also made the liberty clothing for men about to be discharged. They were measured by a professional cutter who had got into trouble in London and they were free to choose the cloth from the book of patterns and the particular cut that they fancied. It has sometimes been cast up against the authorities that ex-convicts are recognized by the style of the clothing supplied to them, but if this is so it is due to the choice of the men themselves. A great majority seemed to prefer pilot jackets made of blue cloth—the kind of garment you see on Sundays among the sailors in Wapping. Occasionally a man would break out into a Norfolk jacket and knickerbockers. A few chose grey mixture suits, but I could never find a single man who elected to go out in working clothes.

There was a bookbinders' party for the prison library, and here, if the warder relaxed his control, one might find the bookbinders lingering over the sheets of books from the officers' library which were not accessible to the convicts. Some 200 men were employed as carpenters, smiths, wheelwrights, stonemasons, and builders on the extensions and repairs of the great buildings. Forty were making twine for the Post Office; thirty, baskets for the Admiralty and the War Office. There were twenty-five cooks and bakers, twenty laundrymen, and thirty cleaners. As these parties marched in from labour they would be joined by the various privileged men—the orderlies from the officers' mess and the library, the fire-engine cleaner, and all the other little posts where men might be employed without the supervision of a warder.

Outside the walls there were fifty quarrymen with their attendant smiths to sharpen their tools ; fifty reclaimers were converting the peat bogs into pasture ; 100 agricultural labourers were digging the fields in winter and making hay in summer : there were twenty carters and horse-breakers ; fifteen dairymen and milkers ; two gas-stokers, and a convict shepherd who loomed large in the public eye at a later date. Among all these industries there was plenty of choice for the aspiring artisan, and though few were skilled when they came into prison, many learned a trade pretty thoroughly under their instructors if they cared to stick to it. There was a skilled plumber who was serving a long sentence for manslaughter. He might have taught his trade to many a promising youngster who was attached to him as a labourer, but he had the trade-union exclusiveness strong upon him. He would make the labourer hold his tools and materials at such a distance that he could not pick up any of his skill by watching his operations. It was much the same with an organ-builder who had served his time at the trade before he incurred his first sentence of penal servitude. This man had a passion for inventions. He had learnt to draw, and not long after an organ was installed in the gallery of the prison chapel he came before me with a proposal to enlarge the organ by the addition of several pedal and reed stops and to blow the instrument by water-power. He was so convincing and his drawings were so professional that the foreman of works was called in for an opinion. He thought that as very little material was to be used the man might be allowed to try. I remember well the day on which his engine was first set to work. The power was to be supplied from the low-level reservoir

from which most of the water went to waste in the river. It was led into a little chamber walled off from the bakehouse, in which the water wheel was installed. A crankshaft carrying the leads from the bellows ran from this to the further side of the gallery and the organist could turn on the water with a lever near the keyboard. I was called down to witness the experiment. The lever was depressed. There was a sound of rushing waters and a general feeling that a flood was rising somewhere about us which would whirl us away into the turbid waters of the Dart, and after a few minutes' hesitation the bellows began to wheeze. There seemed to be no automatic control, but my organ builder appeared to think that the remedy was to pull out all the stops and depress as many keys as possible to relieve the wind pressure and, incidentally, to drown the noise of his engine below. He was quite pleased with himself and declared that as soon as he had installed his extra double C 32-foot pedal pipes the organ would be in a position to drown anything. His ingenuity was boundless. There was not head-room for a thirty-two-foot pipe, but his drawings showed how each pipe was to be doubled back on itself, and during the course of the next twelve months he did actually construct a new pedal stop which was stowed away in various places in the gallery and did improve the instrument, but by that time either his blowing engine or the mice which had escaped from the convicts' pockets during Divine Service, or both, had so impaired the continency of the wind chest that man-power had to assist the water engine and the pedal-stop exhausted the wind. In the end I believe some sort of equilibrium was established, but the old gentleman left the prison

with only half his great schemes carried out. This organ was opened by the Bishop of Exeter and we had down from London a well-known musician to give a recital and to accompany the soloists among the convict choir. The music was very good indeed, because to the choir had gravitated quite a number of professional musicians whose misfortunes had brought them to prison.

At the end of the day a convict is dog-tired and sleeps a dreamless sleep. Many have told me how, when they once get into the swing of the work, they forget the unexpired length of their sentences and are surprised to find that their discharge is so near. These men have come to realise that the worst thing a man can do is to be continually changing his party. Some of these have interviews with the Governor almost every week. Their first ambition is generally the carpenters' shop, and as they must wait a long time for their turn they demand to be sent to the kitchen for the interval. Then perhaps at the morning parade they see among the cooks a man with whom they quarrelled in a public-house. They come down again to have their name "scratched off" the cook-house, and so on. A list of names is kept for each party, and from this the parties are recruited, but there is an invariable rule that a man may not have his name noted for a change of party unless he has been three months clear from report. This is one of the principal incentives to good behaviour.

There is an aristocracy among the parties. The cleaners and the laundrymen held their heads high, not because there was keen competition for admission to these parties, but because they turned out so well on parade, with the broad arrows nearly washed

out of their clothes and a general air of spruce neatness as compared with men employed on dirty work. When the broad arrow had almost disappeared the chief warder would issue the dreaded order that the whole of their clothing should be restamped, and the wooden die and printer's ink humbled their pride. Against the white background the hated mark was doubly conspicuous. Until this happened the laundrymen marched past with the conscious port of heroes.

## CHAPTER IX

### THE GREAT DAY OF DISCHARGE

ACCORDING to the prison rules, the Governor, or Deputy-Governor, must see every man at least once every day. In a convict prison this is not difficult. All the convicts, except those in hospital, parade for labour twice a day; once immediately after chapel at 7.30 and once after dinner at 12.45. This has continued unchangingly for over sixty years.

In Captain Johnson's time the whole body paraded in a single yard and there was always a danger that a thousand men with one determined purpose might rush the three or four armed guards and the thirty or forty unarmed warders, and take charge of the place. In practice, however, the danger was very remote. Most of the men want only to earn their marks and get out, and if there were any general plot one or other of them would be sure to betray it. There is no real solidarity among convicts.

When they have been counted and searched by parties they march off two and two, and their numbers are taken by the chief warder and the Deputy-Governor, the warder of each party giving the number as he passes. The total must equal the population of the day, and if there is a miscount no party is allowed to leave the prison until the mistake is put right. Each warder is responsible for bringing back the number he took out. The roll is taken again in the cells, so that the men are counted seven



times a day. A rifle is served out to the warder in charge as he goes out through the gate. Warders in charge of inside parties do not carry arms, but an armed civil guard is within hail.

The parade is alive with pigeons and jackdaws, the pigeons strutting up and down the lines of men while the jackdaws keep a watchful eye in the background. One may trace the position of each party after the men have moved off by the lines of birds which are picking up bits of bread which have been dropped for them. When the jackdaws became a real pest there was a question of thinning their numbers with a shot-gun, but it was found that this would be so unpopular with the convicts that the plan was dropped. Every now and then there was a disturbance on the parade, for it is then that men are changed from party to party, and sometimes a man was removed suddenly to another party against his will because it had become known that he intended mischief. Occasionally he would refuse to go, and had to be removed to the cells on a charge of refusing to obey the order.

It was the duty of the Deputy-Governor to see every man on the afternoon before his discharge, ask him his plans and give him good advice. I am afraid that not very many of the habituals made any pretence about their intentions. One young racecourse pickpocket asked me, contemptuously, what sort of pay he would get for an honest job. It was before the war and I suggested thirty shillings a week. "Thirty bob," he said, with contempt; "why, I can make thirty pounds a day on the Bournemouth racecourse!" It was useless to point out to him that thirty pounds a day with five years' penal servitude to follow was poor business; such

men live for the hour, and feel sure that with ordinary precautions they will not be caught again.

Many times after this date I have met men who have reminded me of this conversation before discharge; generally because they had taken my advice and had kept out of trouble; sometimes because they thought that a little flattery would produce a half-crown. Newsboys, cab-runners, and outside porters would, if they could do so unobserved, sidle up to me in London and remind me in a hoarse whisper of the time when we had "served together" at Dartmoor—or the "More" as they called it.

Once, when I was passing down a side street of the Commercial Road, an oldish man with a very hoarse voice accosted me. We were alone in the street. "You remember me, guvnor?" he began. As it was nearly dark, I did not. "Well," he went on, "I remember you all right. You gave me two days bread-and-water innocent the last time I was at the More." It was an unpromising beginning and I had quite forgotten the circumstance. "It was for fighting," he said, "and the other chap hit me first." I told him that the proper view to take of the incident was to think of all the times when he had broken the rules and gone unpunished, and to strike a balance between the two, and I changed the train of thought by asking him what he was doing now. He became gloomy and reserved, and muttered something about "selling ducks." We parted friends, however, probably because I did not push my indiscreet inquiries too far.

We prided ourselves at Dartmoor upon our horses. We bred shires and improved Dartmoor ponies, which we sold unbroken at the annual sale, but we had also perhaps the finest carriage horses in the

country. The discharges took place every Tuesday morning, and the men were driven into Tavistock in a brake and escorted to Pentonville for discharge. Once or twice during my time a convict of means would order a carriage and pair of his own and go down to Tavistock in state, with clothes especially ordered for him from a London tailor.

One of the men discharged who hired a carriage was M——. He had caused the death of his wife in Lancashire under circumstances that almost amounted to murder. He was the son of a very successful tradesman in the Isle of Man, and he had inherited a considerable fortune. It was his correspondence that first prejudiced me against him. His solicitor used to write asking him to sign cheques for the education of his children, and the support of some relations who were dependent upon him. He seemed to take pleasure in being as niggardly as possible. I don't think I ever met such an incarnation of selfishness, for during his sentence his fortune must have greatly accumulated.

The night before his discharge a curious little person in a tall hat, rather the worse for wear, turned up at Princetown and asked at the gate for the hour of M——'s discharge. Tall hats are rare in Princetown, but the little man was so wheedling and polite that probably he did get the approximate hour from one of the warders. When M——, in his tailor-made clothes, had taken his seat in the carriage the little man was seen running towards it, crying, "Mr. M——, don't you know me?" At this, the convict turned very white and shouted to the coachman to drive on and the Civil Guard to keep the visitor away. The last that was seen of him was a flying figure pursuing the carriage, and we never learned what it was all

about. A few years later the news came that M—— had again taken to drink and was dead, to the great relief, I imagine, of his family.

The most difficult class to deal with on discharge is the man of education. There were very few of these at Dartmoor, but there were one or two professional men and graduates of the Universities who appeared to resent any question about their future. They had, as a rule, a pathetic idea that with their brains they would be able to keep themselves in affluence by literature or journalism. One or two of them drifted back to prison, a few went abroad to join that army of reticent men who are to be found in every remote corner of the globe, even in the South Sea Islands.

It is the exception for a convict to bear the same name in successive sentences. He serves his sentence under the name he gave on arrest ; he is tried and convicted under that name, and his record only shows that " John Smith " has so many convictions, and the various names under which he served his sentences. The fact that there are so many " John Smiths " shows how difficult it is on the spur of the moment to think of a name other than your own. When a man had made himself specially conspicuous by his conduct in one sentence it was always confusing to have to remember him by another name when he came back.

There was one class of man who was a real infliction to the Governor. He would put his name down as an applicant day after day simply to show off his cleverness at repartee. Every convict has a right to see the Governor on application, however frivolous the application may be. The request in these cases was generally about educational books. One man,

I remember, used to hand in petitions written in bad Latin. Once he demanded an educational book on Sanskrit. His hobby was to learn languages, and he had a bowing acquaintance with French, German, Italian, and Spanish, drawn mostly, I judged, from Ollendorff. He informed me of his intention to go on to Arabic and Chinese. Still, it kept him out of mischief.

It must not be thought that the Governor knew every man out of the thousand. Some hundreds made a point of never appearing before the Governor either as defaulter or as applicant. One made their acquaintance only on the eve of their discharge, or because it was necessary to send for them to impart family news.

I remember one middle-aged man whose clean sheet showed that he had never troubled the Governor for three years. I asked him how he was getting on and if there was anything he wanted. "No, sir," he said, "I am very happy. I have got the work I like (stone-dressing) and the cell I like." "Do they give you the books you like?" I asked. "Well, sir," he said, "I don't trouble them for books. I don't read well enough and, any way, the light at the top of No. 5 is not good enough for reading." As his cell was on the most unpopular landing in the prison, some eighty feet from the ground, and exposed to all the gales, I asked him whether he would like to change his cell. "Why, no, sir," he said confidentially. "You see, I am a sailorman, and there's nothing I like better than to walk up and down my cell and hear the wind howling. It makes me think I am at sea again."

I have often been asked what are the relations between the warders and the convicts. If they are

too friendly there is favouritism and discipline breaks up ; if they are unfriendly and harsh the discipline is equally imperilled by the assaults by convicts and the endless string of complaints. The warders most esteemed by the convicts are those who never stoop to intimacy, but are even-tempered, firm, and just. " He's a beast, but a just beast," as the Rugby boy once said of ~~A. J. D.~~, might have been applied as a compliment to any of the best warders.

The warder who is assaulted is never this kind of man, but he who is indulgent at one moment, and then, when he finds that he has gone too far, flies to the extreme of severity in the hope of bringing back the vanquished discipline. A very intelligent journalist who had made a tour of the prison remarked to me that he thought that the ideal relations would be those of a good groom to his horse. The warders insensibly mould their behaviour to their charges on the example of the Governor and Deputy-Governor, whose responsibility is therefore very great.

One of the main reasons for the unsatisfactory state of Dartmoor in the early years was the lack of recreation for the staff. There was no railway to take them to Plymouth ; no theatre, or place for dances and concerts ; no library or billiard table. They were driven for relaxation to the public-house, and for the rest of their time to quarrelling among themselves. The quarrels extended even to the superior officers, who seem to have been morbidly sensitive about their dignity. Scarcely at any time during the first thirty years was the Governor on speaking terms with the chaplain and the incumbent. Now all this is changed. The railway has brought

Plymouth and Tavistock within easy reach ; the library and the recreation-room, with its stage and scenery painted by convict artists, provide evening entertainment, and the only cause of quarrels that remains is the wash-house common to several families—an unfailing source of discord in any society.

And now a word about tobacco. One of the most bitter memories of the American prisoners of war in 1812 had been shortage of tobacco. When No. 2 building, which had been a war prison, was being demolished in 1905, a piece of iron was found lying on a window-sill, where it had been undisturbed for fifty-four years. On its under side was the following inscription, which had been made in white paint :

“ J. Wallace, 7 years—1849,  
from  
Newcastle-on-Tyne.  
No Baccy O Dear,  
1851.

Hurra for Dartmoor and Cpt. Gambier.”

“ No baccy, O dear ! ” was a cry from the heart then, as it is now, and as it always will be when men are deprived of something that seems now to have become a necessity of life. For tobacco a convict would sell his rations, or his dearest friend. At Dartmoor it used to be an understood thing that when there was an epidemic of fights it was a sign that some warder had been trafficking in tobacco.

Trafficking, more than any other offence, upsets the discipline of a convict prison. Fortunately, the penalty upon the defaulting warder is so severe that few care to incur the risk. Usually it takes place

as follows: a convict having got into confidential relations with a warder, suggests that he should "earn a bit": all he has to do is to take a letter out of the prison and post it to the convict's relations, slipping into it his own postal address. The warder provides the paper and pencil, and the letter contains a request for a sum of money to be sent to the enclosed address. As soon as the money is received, the warder must do his part, which is to pass into the man's cell with his dinner a few ounces of tobacco. With this the convict can buy from his fellows anything he fancies. There is a sort of secret wireless communication on the subject of tobacco, whereby the whole hall knows who has become the possessor of the treasure. For the moment the man is the hero of the ward. Men sidle up to him to beg, and if he is niggardly there is a fight. There are fights, too, between those who have partaken of the bounty and those who have not.

By these subtle indications, the chief warder is guided to make a special search. Quite unexpectedly the party to which the suspected man belongs, instead of marching off to labour, is diverted to the "separate cells." If you watch the party closely as it marches you will see a little shower of treasures dropping from it. At the Separate Cells every man-jack is stripped to the skin and searched, and oh! what hidden secrets come to light; not tobacco only, but "chivs," which are little fragments broken from steel tools and sharpened to a fine edge for shaving! At the same time the cells occupied by the men undergo the same kind of scrutiny. Hooks are thrust into ventilators to rake out hidden stores. The mattresses and pillows are probed. Even the binding of the books is searchingly examined for



fear some fragments of the weed are concealed between the cloth and the millboard of the Bible, and if the culprit is discovered he loses remission marks. Very rarely has he been known to give away the warder. The trafficker has to be discovered by other means. Public opinion among the warders condemns the trafficker and the practice is not common.

I have sometimes wondered whether so powerful an incentive to good conduct as tobacco is might not be turned to greater account in the management of a prison, but perhaps the very presence of the weed would have a disturbing influence on those who were not entitled to use it. Occasionally, visitors passing through Princetown, through mistaken benevolence, scattered cigarettes broadcast in the hope that the men would pick them up. They could have done nothing more cruel. The temptation was irresistible, and their good intentions may have cost some unhappy man a week's remission of his sentence.

## CHAPTER X

### THE MEDICAL OFFICER

NEXT to the Governor, the most important person in the prison is the Medical Officer, for on him depends the daily life of the prison. The astonishing thing to me has always been that it is possible for the very meagre salary assigned to the post to attract so good a class of medical man to the Prison Service, for the Medical Officer of a prison ought to be a good general practitioner, an expert in lunacy and in sanitation, a person of culture, insight, unfailing good temper, strong human sympathy, and yet have a keen eye for malingering and deception. In a large prison the routine duties occupy practically the whole day. The Medical Officer is never off duty except when on leave, for he is liable to be called up to a sick prisoner in the middle of the night, and he has always at the back of his mind the knowledge that there must be a searching inquest into the death of every prisoner, and that there will not be wanting malicious tongues to hint that it was due to medical neglect.

In the larger prisons one or more medical men are appointed to give their whole time to the work, the senior appointments being filled by appointments from the junior rank, but in the smaller prisons it has been the practice to engage the services of a suitable medical man in the locality who visits the prison once or twice a day for the purpose of classifying the labour of prisoners and superintending the

hospital. The statutory duties of the Medical Officer are formidable. He must examine every prisoner when he is received and when he is about to be discharged ; visit the sick and the prisoners under punishment ; attend the warders and their families, and inspect the sanitary condition of the buildings, ventilation, food, water, clothing, and bedding. He is required to watch the physical condition of every prisoner and to supplement his diet if he is losing weight ; to put doubtful mental cases under observation in order to recommend to the Home Secretary when a prisoner's life or his reason is likely to be endangered by continued imprisonment, and he must be prepared to attend the Courts and give evidence as to the mental condition of prisoners who have been under his care while awaiting trial.

That there may be no misconception as to the way in which these duties are discharged, it is well to say that out of some 200,000 people received annually into prison and some 15,000 serious cases of both sexes treated in prison hospitals and some 25,000 under continuous medical treatment for more than seven days, the death-rate in prison is less than 0·50 per 1,000 receptions.

Modern prison critics will not agree with a certain medical authority who described prison as the best sanatorium in England. Nevertheless, it is quite true. It is not that the doctors are more skilled than practitioners in the outside world or the nurses more assiduous. It is that everyone, whether healthy or sick, is compelled to abstain from irregularities in habits and diet, that the building is in perfect sanitary order, and the hours of sleep and meals regulated. Infectious diseases in prisons are

rare. Naturally, an infectious disease in a prison is a very alarming event, and if such a disease were raging in prison at the time of the Sessions, the prisoners might reasonably appeal to the Court not to send them into the danger of infection. During the smallpox epidemic of 1902 great precautions were taken and the disease did not spread. During the epidemic of enteric fever at Lincoln in 1905, though prisoners were received daily in various parts of the city, not a single case occurred in the prison. Deaths from phthisis average from ten to twenty a year. In most of these cases the disease became manifest before the sufferer was sentenced to imprisonment and in some cases the disease was far advanced. The average annual death-rate from phthisis during the ten years ending 1901 had been 16·7, and in that year a special precaution was taken in the direction of preventing a spread of the disease in the prisons themselves. Elaborate rules were drawn up and faithfully adhered to. An inquiry was made in 1906-7, which showed that the death-rate from phthisis among male convicts was 1·38 per 1,000 of the daily average population and that before the above-mentioned regulations came into force in 1901 the mortality was nearly double that figure. No doubt the improved prison dietary of 1901 had had something to do with the change. Before that date it had been found that prisoners generally lost weight during their first month. No less than 80 per cent. engaged on hard labour for a month lost weight, but this stopped as soon as the new dietary was introduced.

It would be tedious to enumerate the various improvements that modern sanitary science has made in the structure of the prisons. These in the aggre-

gate must have had an effect upon the prison death-rate. It is curious how soon the Medical Officer of a prison develops into a mental expert. He cannot help it. No man of intelligence keeping observation day after day on an infinite variety of "borderland" cases could fail to become so. A month spent in such work is better than all the scientific treatises in the world, and whenever the legislator is called upon to amend the law relating to insanity he cannot do better than take the evidence of the prison Medical Officers. It is a testimony to their skill that the Courts have now got into the habit—which is open to criticism—of remanding doubtful cases to prison solely with the object of obtaining an expert opinion from the Medical Officer.

It is very difficult to arrive at a true estimate of the percentage of mental defectives in prisons. Some years ago a well-known expert expressed the opinion that 20 per cent. of all the Police Court cases belonged to that class. The Royal Commission for the Care of the Feeble-minded visited prisons and inspected 2,553 prisoners. They reported that they found 10·28 per cent. mentally defective. At the same time, a special inquiry was conducted in prison by the Medical Officers to ascertain the number whose lack of self-control might be expected to lead them into crime, counting the certifiably insane. The result was that about 3 per cent. of both sexes of the total number of prisoners received were shown to fall within this category. Obviously, the reason for the discrepancy in the various estimates is that there is no well-marked line between the sane and the mentally defective. It is all a question of degree, and no doubt there are those among us who would class quite a large number

of their friends and acquaintances as mentally defective because they did not happen to agree with them.

In one respect observation in a prison may be said to be defective, for the "borderland" case has no strain put upon him. The rules deprive him of the temptation to drink; his habits are regular. He is not there long enough as a rule for his real mental state to be observed, and the Medical Officer, noticing that the man is brought in under the effects of alcohol, makes allowances. Moreover, all prison authorities are apt to think that a man who works well and behaves well in prison must be normal. During the five years beginning on April 1st, 1914, the total receptions into local prisons was 376,000 and out of this number 2·3 per thousand were certified to be mentally defective. It must be remembered that under the requirements of the Mental Deficiency Act a person cannot be certified unless the defect existed from birth or from an early age. This excludes a large number of prisoners who are defective from senility, alcoholism, or other causes which come into being in later life. The Act, in fact, has been a disappointment, but it is useful as a "jumping-off place" for the more sane treatment of mental defectives in the future.

Early in 1919 the Birmingham magistrates persuaded the Prison Commissioners to set apart portions of the male and female hospitals in the prison for the reception of persons remanded for mental examination. The satisfactory results of this experiment have led to its extension to other centres. Public opinion in England takes a sane view of responsibility. It would rather have an opinion from a competent medical authority than a

report based upon the data of experimental psychology. A man may have a defective colour sense, a defective sense of smell, or be incompetent to estimate measurements, and yet be a perfectly sane and responsible person. The springs of human action are so complex that the exact method of the psychologist can have little application. As Dr. Binet himself said, "*c'est de la littérature, ce n'est pas de la science.*" As he went on to say, the essential character of normal man is in the *direction* of choice, and the want of direction is due to a disordered *moral* nature. Of this moral degeneracy, practically nothing is yet known. When it comes to the test of responsibility, it is not the valuation of the alienist which counts, but the common sense of the community which, for the moment, is vested in the judge and jury.

The mental defective, who is not certifiably insane nor sufficiently irresponsible to be exempt from imprisonment, is the most difficult problem with which the Medical Officer has to deal. Obviously, the ordinary penal discipline cannot be applied to him. When a man's temper is such that he is subject to uncontrollable phases of fury, you make him no better by punishing him.

The Medical Officer has the widest discretion in the matter of diet and hospital treatment. He can order for a prisoner practically anything that will be good for him. It is curious to look back at the crude ideas of the first architects of prisons as judged by their sanitary mistakes. For example, in the prison at Liverpool, which was long known locally as the "Model," there was a lavatory in every cell, as there is in most Continental prisons, and the gas-lights, instead of being outside the cells, were placed

inside, so that the naked flame consumed the oxygen, besides providing an intending suicide with an opportunity for inhaling the coal-gas or hanging himself to the gas-bracket. Practically every device that one sees in a modern prison in England is the result of some accident. Everything to which a rope might be attached by a prisoner who desired to hang himself is now placed out of reach, or so constructed that it is impossible to tie anything to it. I have mentioned elsewhere the accident which I witnessed at Liverpool Prison that resulted in the wire nettings which are now stretched from end to end outside the lower tier of cells. The opaque window glass which was put in by the early architects to exclude the light of day and the windows which would not open are all gone and there has been great improvement in the ventilation of the cells. The attention that has been given by Medical Officers to mental cases has had the result of reducing the number certified insane after reception from a little over 1 per cent. of the total receptions to about half that number.

If the Medical Officer is important in the ordinary prison, he becomes indispensable in a Borstal Institution, since physical development is regarded as one of the greatest assets in reformatory treatment. In the United States, where new social experiments are always being tried, clinics have been attached to penal establishments with a view to classifying offenders, especially the young, according to the nature and degree of their mental capacity for distinguishing right from wrong, and certain prison reformers in this country have been urging the establishment of such clinics for many years. In my opinion, which is based on actual observation,



I doubt very much whether such clinics would justify the expense. An essential of good classification is observation conducted over a period. The clinic would be required to form an opinion upon the spot and would base it upon certain sensory or physical defects which might have little relation with the question of responsibility for crime. I think, myself, that our own system, as conducted by Medical Officers, is better. No less an authority than Dr. Binet seems to take the same view. In many cases it is the moral nature which is at fault, and of the inward springs of the moral nature little is known. The valuation of the alienist cannot be the practical test of responsibility—it is the common sense of the community that must decide. In order to keep the Medical Officers up to date in medicine and surgery a system of study leave has been inaugurated.

One could wish that some Medical Officer with a facile pen would give his experiences to the world. He sees more of the seamy side of convict human nature, perhaps, than the Governor himself. He knows every trick of the malingerer, he has to put up with abuse and insult and sycophancy every day and take to it all with unfailing good-humour. It will be an evil day for prisoners if we are driven to admit an inferior class of medical man for the prison service.

## CHAPTER XI

### THE CHAPLAIN AND THE LIBRARY

ONE of the subjects covered by Sir Herbert (now Viscount) Gladstone's Committee in 1896 was the prison library. Up to that date the supply of books had undoubtedly been perfunctory and archaic. They were distributed haphazard without very much regard to the individual taste of the prisoner. There was a great preponderance of the goody-goody type of literature, a bequest from the time of our grandfathers, when books were divided into those that the young might not read and those that they must. The first additions to the prison library were illustrated magazines, and these are still by far the most popular of the books. Next, probably, are the practical hand-books on trades, which the men devour greedily under the impression that when they have read them they become skilled workmen, and besides all this there are fashions which I have never been able to explain. Why, for example, in the 'nineties should there have been a run upon Shakespeare and a little later upon Dickens? It was easy to explain the popularity of Charles Reade and Victor Hugo, because both wrote books that dealt with prisons and prisoners, but there was no reason why Stevenson should have no readers and the admirers of Arnold Bennett and H. G. Wells be so few, nor why Jules Verne should be ruled out because "he tells lies." Probably a single enthusiast for a parti-

cular book may start the run upon it. The title is whispered in chapel or on the parade ground and the names go down for his books on the prisoners' slates.

When Mr. Winston Churchill was Home Secretary he took up the question of the prison library and appointed a Committee, on which one of my fellow-members was the late Sir Walter Raleigh, the most human, the most understanding, and the most gently humorous master of English that I have ever met. We went to many prisons, including Dartmoor, and drew up a set of rules to guide the chaplain in purchasing and distributing the books. We also made the library catalogue accessible to the prisoners. The method of changing books is simpler than one would think. There is, of course, a card index and a day for changing books for each hall. The librarians with their orderlies go round the cells and see what is written on the prison slate put out at the door: "Sir, I don't like the last book you gave me. I want something more serious," or, simply, a list of four or five books for the librarian to choose from, or "Sir, the light is not very good in this cell. Please give me something with large print," or that very ancient witticism which has long ceased to wound the feelings of the official, "The Three Lazy Schoolmasters." Besides his Bible and his Prayer Book, a convict may have seven books in his cell at the same time, of which one must be a book of "Secular Instruction." The favourite permanent books are dictionaries and, of course, illustrated magazines. In the modern prison library there is a very wide range of choice, and if an undue proportion of the books appear to be trashy novels, it is because the men themselves prefer that kind of literature.

The chaplain is given a wide discretion as regards

books of secular instruction. In this category are now included history, biography, and science of all kinds. It is only books of fiction which have to be earned under the Stage system as a privilege. In practice, some of the men do a great deal of desultory reading, but unfortunately they tend rather to use their erudition as a means of boasting over their fellows or of impressing the prison officials. One of Mr. Winston Churchill's reforms was the institution of lectures either by some member of the prison staff or by lecturers from outside. Occasionally we got well-known lecturers such as the late Sir Robert Ball. I prepared him for what I thought would happen if he introduced humour into his discourse. I thought that the men would be afraid to laugh in chapel. I was quite wrong. They took every point, and when once they began to laugh, the difficulty was to get them to stop. Sir Robert won their hearts and at the end of the lecture the clapping continued for many minutes.

After any function of this sort the prisoners' letters are a useful key to their real feelings. One of them said that what had moved him almost more than anything in the lecture was that the lecturer began by addressing them as "Gentlemen." But they were interested in subjects other than astronomy. They liked travels or biographical sketches or even descriptions of trade processes.

Occasionally concerts were given with outside talent assisted by the best soloists among the men. The real object was attained. They had something to look forward to besides the daily monotony and they had an outlet for their pent emotion. But since I ceased to be a prison governor things have been carried a step farther. In large prisons men

are allowed to meet together under the presidency of the chaplain for debates on subjects chosen by themselves. I do not think that this kind of relaxation can well be overdone. It is not that the opinions expressed in the debates are of the slightest value, but it is a fact that the men feel themselves trusted and learn to control themselves without the restraint of authority. It is a small foundation on which to build up self-respect, but it is a beginning. The chaplains have also leave to withdraw men from labour twice a week to attend Bible and instruction classes, and a great deal is being done towards making the chapel services more attractive. The Church Army and the Salvation Army, for example, lend their evangelists to conduct missions to prisons. Once a week a short *résumé* of the week's news is given out by the Governor or the chaplain and this in itself has been shown to have a good effect. I remember noticing when the lectures were first introduced that the week following them was free from reports for misconduct. The men had other things to think of.

In Belgium, the land of prison experiments, under the auspices of Mr. Vandervelde, who has prison reform very much at heart, they have started a prison newspaper, of which convicts are the contributors and the editors. The "copy" is submitted to the prison administration of Brussels for censorship before it is printed by convict printers. I have seen a copy and I am bound to say that the publication is not only innocuous but portentously dull—so dull that I am afraid the readers must be few. This is not the fault of the editor or the contributors, for if they must expunge from their journal politics and proceedings at the Law Courts and retain only censored

foreign news and literary criticism, they can scarcely avoid being dull.

A much-read writer took upon himself the other day to characterize prison chaplains as "intellectual snobs." Affronts of this kind from that particular author do not wound anybody, but he was remarkably wide of the truth. Whatever the chaplains of the old days were, the modern prison chaplain does more than a hard day's work every day of his life, and he contrives somehow to maintain his enthusiasm in spite of many disappointments. People often ask how far the ministrations of the chaplain influence the men. You may well ask how far clergymen influence the population of these islands. The answer is that they have great influence over a limited number of people. The men who present themselves for confirmation once a year are undoubtedly sincere, but they number but a small proportion of the whole. A prisoner is not laughed at for being a "chaplain's man," and he does not become a "chaplain's man" only with an eye to his own advantage. It is true that he may have some preference in the matter of books, and perhaps some extra effort is made to obtain work for him on discharge.

Paramount among the chaplain's duties is the work of aid on discharge. He is the linchpin of the organization. It is he who presents each case to the committee for consideration. He conducts the voluminous correspondence and in some cases he will even find time to visit the men after their discharge. I know of no cure of souls so arduous and so exacting, so filled with rewards and disappointments, so valuable in its reaction upon the health of the community. The work of a prison chaplain is one that

should not be undertaken by any man who has not an inexhaustible fund of enthusiasm to draw upon, a quick and ready sympathy, and an unemotional and practical mind.

When I was in the prison service I was so strongly in favour of some scheme by which service as a prison chaplain should be made part of the parochial services of incumbents that I took the matter up with some of the Bishops who had shown particular interest in prisons. They showed me that under the existing system the scheme was impracticable. It is like the ever-green question of the exchange of parishes. It is impossible that one human being should keep his freshness, his enthusiasm, and his originality unimpaired through a long course of years when he has to minister to an unchanging congregation. The problem was partly solved some years ago at Portsmouth, a parish with an exceptionally brilliant body of curates, who took their turn as chaplain of the local prison. If men in the Church of England who feel that they have a vocation for a prison chaplaincy would be granted leave to take their turn of duty for two or three years and then go back to their own livings, I feel sure that there would be good results.

## CHAPTER XII

### THE SHEPHERD AND OTHERS

IN convict prisons suicides are almost unknown. In July 1889, during the lean years, one member of the manure cart party found secreted a jar half full of what he believed to be raspberry jam. He swallowed it in haste, but it turned out to be one of the horrors from the dispensary. There is every kind of accident, as may be expected in any factory where a number of unskilled men are employed on heavy work. Blacksmiths come into hospital with injured eyes, quarrymen with crushed feet, farm labourers with kicks from horses. As I have related, on one occasion a principal warder nearly succumbed to a bite from a viper.

During the winter months the men marched to chapel at 7.20, when it was still dark. This was always an anxious moment, and for a long time I could not understand why the bell scale had been so arranged that the men began the day in the dark and ended it before nightfall. At last I fathomed the mystery. The bell scale was laid down in about 1855, when nearly all the convict prisons lay to the east of London. When prisons were opened in the west, the time-table remained unaltered. It had not occurred to anyone that the sun rises twenty minutes later in Plymouth than in London. When this was realized a local bell scale was substituted.

There is a curious conservatism about a convict



prison, both among the warders and the men. Outside the hospital there was a tiny granite fountain into which a small burn trout had been put twelve years before. The date was certain, because there was an entry in the Governor's journal. Generations of hospital orderlies had made a practice of feeding this trout on bread-crumbs, and when I first knew him he had grown to massive proportions and had a lower jaw like that of a pike. Once or twice the hospital staff, pitying his solitude, had put in companions, all slightly smaller, but the companions were always missing in the morning, and William, as he was called, lay swollen and thoughtful in his usual basking place.

As I have said, all the men showed a very keen love for children. The cart parties that went down to the village used to vie with one another in picking up little unconsidered trifles, which they would leave where the children were likely to find them. One child, aged about five, who knew she must not approach the convict parties, had a kind of smiling acquaintance with one of the biggest ruffians in the prison. He would plant some find of his in a crevice in the garden, and indicate the place with a backward jerk of his thumb. Nothing delighted him more than to see her dash for the trifle as the party moved off.

Next to children in the convict's heart comes every kind of animal, and the farm party was popular largely on this account. I remember only one case of cruelty to an animal and that was immediately reported by the convicts themselves, who declined to work with a man who had kicked a cow. The farm party wore red facings on their clothing, which meant that they were allowed to move about without

a warder in close attendance. I do not remember any attempt to escape being made by these men, who were all, or nearly all, within twelve months of discharge.

More than once I have mentioned "the Dartmoor shepherd." His fame came about in this way. Just before I left Dartmoor I published a little history of the prison, in which I remarked that the shepherd used to walk in front of his flock in Biblical fashion, but that, when at liberty, he could not resist the temptation of breaking into churches and rifling the poor-box. Someone called Mr. Churchill's attention to this passage, and he asked for further particulars, and learnt that the shepherd was a Welshman.

Not long after this he visited Dartmoor in company with Mr. Lloyd George, and the shepherd was called before them and conversed with Mr. Lloyd George in Welsh. He was always a pathetic figure in an interview, and I was not at all surprised when it was announced that Mr. Churchill had decided to give him another chance by allowing him out on remission. But, knowing the shepherd's weaknesses as I did, I had misgivings.

On former occasions, as the time approached for his discharge, he would look carefully over his ewes and lambs and give instructions to the warder as to how each was to be looked after until he came back, for he had the lowest opinion of the skill of the man who was to take his place. I asked him why he would persist in coming back. Did he like prison?

"No, sir," he said, "I don't exactly like it, but I do like the sheep."

"But there are sheep in Wales as well as in Dartmoor. Why not get a place as shepherd, and keep out?"

"It is this way, sir," he said. "When I go up the village street and see a nice little window with a red blind all lighted up, and I go in and find it all snug and warm—well, then one glass follows another, as you may say, and back I come again."

"But there are no red blinds in churches, and it is not snug and warm there at night. Why do you break into the church?"

"That's more than I can tell you, sir," he always replied.

He was too modest to give his real reason—that in churches there is no householder to leap upon the nervous burglar in the dark.

So Davies, the Dartmoor shepherd, who walked before while his sheep followed him, who fed his lambs with a feeding-bottle, who fitted into his place in the scheme of things so exactly that his fate must have been ordered by Destiny, went out into his own wild, cold country, and there saw a little window with a red blind. The rest followed as a matter of course, and England rang with the news that the Dartmoor shepherd was in again.

At one period, the only Dartmoor convict about whom visitors appeared to feel any interest was an American, who had been convicted of a revolting crime in which he had been associated with a woman a good deal older than he was. They belonged to that curious class of quasi-religious cranks that come over to Europe from time to time with a new "Message," and generally with an absurd jargon picked up from the religions of the East.

In the early part of his sentence, he threatened to be troublesome. He even tried to convert his fellow-convicts to his peculiar doctrines, but the moral tone of the English convict is, on the whole,

sound, and they soon took a healthy view of him. He was lavish with his criticism and insolent to the officials, and when he was reported to the Governor you never knew what he would do. On one occasion he pretended to fall into unconsciousness just as he was to be called into the adjudication-room. The Medical Officer examined him and pronounced that he was shamming, so he was carried into the room and gently propped against the wall while the evidence was heard. All the forms were complied with, he was invited to cross-examine the witnesses, and the sentence was pronounced, with the necessary words of admonition. His apparently lifeless body was then carried out and put into a cell.

He realized then that he was on the horns of a dilemma, for if he made a complaint about the sentence he would have had to admit that he was shamming, and if he was really unconscious he could not complain because he would not have known what had happened. At any rate, he was never again subject to sudden fits of unconsciousness.

He had been writing regularly to a brother in California, and one day, to my great surprise, this brother appeared at the prison gate. In appearance he was very like the convict, but that was the only resemblance between them. This man was in a good position and was very intelligent and sensible. He told me that he believed his brother's religious attitude of mind to have been perfectly genuine at first, but in an evil moment he came into touch with the woman and after they married he went entirely off the rails. Their first sect was one that retired into the woods, where they lived in exiguous clothing up in the trees on a diet of nuts. They left California, and from time to time he heard of fresh vagaries

until this catastrophe happened in London. The two brothers had an interview at which some good advice must have been given, because after that period the prisoner's behaviour improved.

The woman had a shorter sentence than her husband. On a winter evening I heard a loud expostulating voice at the front door, and a parlour-maid, red with suppressed laughter, came to tell me that a lady demanded urgently to see me. Her name was unintelligible. She was clad, she said, in flowing purple robes such as had never been seen on the Moor before, and her object was to demand an interview with her husband before she left England for ever. Some months later her husband became much concerned about her silence and, at his request, I wrote to the American authorities in a town in the Middle West to ask for her address. The reply was that she had founded a new sect, but that the rites were conducted with so much mystery that they were unable to tell me anything more about her.

## CHAPTER XIII

### ESCAPES

ESCAPES from prison, and especially escapes from Dartmoor, have been a never-failing inspiration to the minor novelist and the newspaper reporter. They are certainly a break to the monotony of the prison routine, but the person who enjoys them least of all is the fugitive himself. I am probably one of the few men in this country who could successfully escape from Dartmoor, but then I have the unfair advantage of knowing the difficulties from both sides. I shall not tell how it could be done.

The Governor's journal at Dartmoor was full of accounts of escapes. Sometimes in the early days there had been collusion with a warder or civil guard. When a convict has escaped he grows suddenly in popular fancy into being half giant and half ogre, a terrible creature who may come round the corner at any moment and devour babies. Let me describe an escaped convict as I saw him.

It was in 1897. The bog parties had marched out after dinner with the probability, according to our local weather-prophet, that there would be only showers. There were rough shelter sheds into which the men could ~~retire~~ retire in the hope of a break in the weather: when the rain had settled down for the afternoon they would be marched back and get a change of clothing in the laundry if they were wet

through. That afternoon a pitiless rain-storm drove them in early, and on the march a little swirl of fog caught them and one man broke from the party and was lost to sight behind the stone wall of the garden. The alarm was given by semaphore and bell. All the parties were marched back to their cells, the warders flew to their stations on the Moor, and pursuit was made in the direction of Two Bridges, where it was pretty certain that the fugitive would be unable to cross the swollen waters of the West Dart. In the event of an escape, all the supernumerary warders, such as instructors, messengers, etc., had their appointed posts and formed two circles round the prison, the one at some two miles off, the second at some six miles. Thus, every road and path was guarded, and it would be a bold man who would attempt to cross the Moor unless he knew how to avoid the quaking morasses. I thought that our man would probably make for Two Bridges or for Prince Hall, and in order to satisfy myself that the West Dart was guarded I galloped out to the hill overlooking the bridge. The rain drove through my clothes in the first three minutes and blinded me. I passed parties of warders trudging eastward in dripping mackintoshes, and as I reached the brow of the hill a little girl, as wet as if she had been swimming, ran up to me and announced shrilly that she had seen the convict standing in the field just beyond her mother's cottage. I was brought up by a stone wall, and on the farther side there was my man, shivering and irresolute, anxious only to be recaptured. In fact, when he saw me, instead of running away he approached me and scrambled over the wall to my side. I have never seen so miserable an object. At some moment he had lain

down in a muddy ditch, where he had stripped off all his badge marks and turned his cap inside out, with a view, I suppose, of looking more like other people. He would have attracted attention anywhere, even among a company of ditchers. One side was plastered thick with mud, which was slowly distilling into his boots with the rain. He marched back to the prison with my horse snorting between his shoulder-blades, and I handed him over to a party of warders whom I met in the road.

Men have done strange things to get out of prison, but there is only one recorded instance of a man breaking into Dartmoor instead of out of it. Early in 1890 a negro, having undergone punishment frequently, left the prison vowing vengeance against the Chief Warder. That happens so often, and men are so apt to forget their grievances in the excitement of freedom, that no attention was paid to the threats after the negro had been sent off to London by train.

On the night of August 17th, 1890, the night watchman was startled by the ringing of the alarm bell which connects the semaphore station with the gate. This bell can be set in motion only by something impinging upon the wire at the top of the wall, between the two points. The night was very dark, but the wire was inspected from end to end without result. The reserve warders were called out, the Governor was summoned, and a thorough inspection was made of all the buildings.

At last, skulking in a doorway, they found the negro, who had walked from London with the express intention of killing the Chief Warder, and had performed the unique feat of breaking into



instead of out of an English convict prison. He was handed over to the police on a charge of burglary. Next morning, under a bundle of hay in one of the farm sheds, they found a fat ewe dead and mangled. Her head had been smashed in with a billet of wood, and a piece of flesh had been cut out of the shoulder and eaten raw. When brought before the Court, the negro admitted having killed the sheep, and declared that he had intended to set the prison on fire as well as settle accounts with the Chief Warder.

On January 2nd, 1898, when my time as Deputy-Governor was drawing to a close, there was a sensational escape from No. 5 prison, one of the new erections which was believed to be escape-proof. A convict had concealed the head of a sledge-hammer in his clothing when he came in from work, and the warder searching him had failed to detect it. It was a Sunday evening, and as the warders slammed door after door in serving the suppers he beat out the cast-iron framework of his window with blows timed to coincide with the slamming of the doors. At that time there were no guard-bars to the windows except on the ground floor. When all became quiet the convict stripped himself to the skin, threw his clothes out of the window, and then, with a rope made of sheets, he let himself down, after squeezing through an aperture barely large enough to admit his head, and cutting himself rather deeply with the jagged iron in the process. It was not the first case at Dartmoor in which convicts had shown that an aperture just large enough for the head was just large enough for the body.

Once on the ground he had only to dodge the night watchman and to climb into the 'artisans' yard to

find means for scaling the boundary wall. Desperate though he was, he found two nights on the Moor enough for him, for on January 4th, a farmer near Chagford rode him down on a plough horse, brought him in under the muzzle of an empty shot-gun, and handed him over to the police.

During a former sentence this man had made an even more remarkable escape from Parkhurst Prison. He escaped from prison during the night and broke into the house of a clergyman. After regaling himself in the larder, he wandered into the bedroom, where the clergyman, his wife, and a fox-terrier were sleeping. None of them awoke. Leaving his own clothes on the floor, he dressed himself hastily in clerical costume and, with the family Bible under his arm, made his way to the beach. There he found a boat, but as the dawn was breaking and he could find no oars, he put to sea as he was. The coast-guard, scanning the horizon in the early morning, was startled by the apparition of a clergyman drifting in the fairway without oars, and placidly reading the Bible. Thinking he had to do with a curate of deranged intellect, he put out to the rescue, and not until they got ashore and found that a hue-and-cry had been raised, did he realise what he had rescued.

I was away from Dartmoor for about two years, of which six months were taken up by my mission to the South Seas to hoist the flag in Tonga and Niué. When I came back Captain Johnson had left. The Prison Act of 1898 had just become law; an improved diet was prescribed for convicts employed on heavy labour; a committee of visiting magistrates had relieved the Directors of Convict Prisons from judicial functions, and

incoming men had spread stories to the effect that discipline was no longer to be enforced. The change was felt immediately, especially by the warders in charge of gangs employed upon the bogs. The responsibility of the principal warder in charge of these parties was at that time very great. He was entirely cut off from the prison except by intermittent signals on the semaphore, which were not always observed, and he had to depend upon a force of from twelve to thirteen to quell a mutiny or to prevent escape against a hundred men armed with weapons such as spades and picks, which were almost as effective as bayonets.

When the general tone of a convict prison has deteriorated in this way a trivial incident is the spark that fires the magazine. It was the practice with the "reclaimers"—i.e. the gangs of men who are converting the bogland into pasture—to mark out sections of a trench and allow those who reach the mark first to rest until the hindermost had come up to him. On September 11th, 1900, an assistant warder, new to the work and unacquainted with the system, was put in charge of one of the agricultural parties, and when the first man had reached the mark he ordered him to continue digging without waiting for the others. The man expostulated, the warder threatened to report him, whereupon the convict knocked the warder down.

Had the discipline been good, that would have been the end of the matter, but now spades were thrown at the prostrate warder and a number of convicts ran to rescue his assailant from custody. The disturbance became a general mêlée, and but for the promptitude of one of the civil guard, who slipped a cartridge into his carbine and threatened to shoot

any man who did not go back to his place in the trench, a mutiny would have become general. All the disorderly men were tried at a special meeting of the new Board and the six ringleaders were punished. But in the next year, 1901, bad discipline began to find vent in escapes. Convicts are always more difficult to manage in hot weather, when tempers are apt to become short. There is nothing to ruffle them in straightforward work like trench-digging, but when they are straggling about hay-fields and the warder has to urge the laggards to keep up with the rest, they are prone to refuse labour.

On July 22nd, 1901, a convict had thrown up his work, and as he was marching back to the prison in the rear of the other parties he began to shout to his fellows to come and rescue him. It is a favourite trick of disorderly convicts when no one is touching them to emit piercing cries for help as if they were being murdered, in the hope of exciting the other men to violence. The ranks were broken and there was very nearly a mutiny. On November 1st there was a combined escape from the same gang. Six of the men were caught almost immediately, but the seventh dived into a trench and was at liberty for three days before he was captured near Tavy Cleave.

Escapes and mutinies cause great excitement for miles round the prison—and, as far as the outlying farms on the Moor are concerned, with reason, since obviously an escaping convict's first act will be to exchange his convict dress for civilian clothing, which he can obtain only by burglary. But to hear people talk in Plymouth on these occasions, one would think that an army of cut-throats was descending upon the Three Towns to ravage and destroy.

The local press campaign made the Directors of Convict Prisons uneasy. They looked round for someone who knew the place, quite irrespective of his seniority, and they determined to expedite the Governor's retirement, which was almost due, and put the prison into new hands. I had been nearly two months in Cardiff and was preparing to settle down there for the usual interval in promotion, when I was visited by an Inspector, who told me confidentially not to incur any expense, as I might not be there much longer. A few days later I was ordered to Dartmoor as Deputy-Governor in charge, on the understanding that if, after three months, I had justified the promotion, I should be made Governor, irrespective of the fact that there were some eleven or twelve men senior to me in the service. I shall never forget the morning of my return after an interval of three years. It was in December, and at 7 a.m. it was still dark and blowing hard. While I was waiting at the gate for my keys a stretcher passed me on its way to the hospital with a wounded warder: there had been an outbreak in the quarry parties. During the course of the day there was another serious assault, and whenever I passed parties on the road they had a surly, fierce look about them that I had never seen on their faces before. With a probation of only three months I felt that I would have to take off my coat to the work.

The danger spot with men in this temper was the parade ground, where the whole thousand of them were assembled four times a day to march out to labour or disperse into their cells. The first step was to break up the parades into several smaller gatherings which could be isolated in cases of trouble

and yet would bring all the men past the counting-point as if they had paraded together. The next step was to connect all the six fields on the 2,000-acre farm by telephone with the prison. I had also to make it clear that whenever a man committed himself his name would be struck off all the privileged parties for which it had been noted, until he had been clear of report for three months.

On my second day I learned that there was a plan for a mutiny and a combined escape from the reclaiming parties. The names of the ringleaders were known. To their great surprise and indignation, they were quietly removed from their parties just before their plan was to mature.

My fourth expedient was to make a more extended use of the "special party," an institution which Captain Johnson had always opposed on the ground that when once you mark a convict as dangerous you make him so. This, of course, was perfectly true. A row of little open cubicles had been built in one of the outdoor sheds, and in each there was a stone seat, an anvil of granite, and a hammer chained to the wall by its handle. Men condemned to this party broke stone into fine gravel on the anvil; an armed warder faced them; they could not throw the hammer at him because it was chained, and if they made a rush at him he got in first with his bayonet. There were many more cheerful parties on Dartmoor than this, but it soon became known that whenever a man was violent or abusive or assaulted a warder or attempted to escape he would go into the "special party" until he had seen the error of his ways. It took three months of exemplary conduct to get out of it, but when once a man was out the past was never cast up against him.

At this period it was the practice to clothe men convicted of assaults on warders and escapes in particoloured dress—black and khaki for assaults and yellow and khaki for escapes—and to compel them to wear a light chain suspended from a leathern belt and riveted round the ankles. These they wore for several months according to their conduct. I understand that this part of their punishment has now been abolished. It was no real deterrent and it engendered a sense of bravado in some of the wearers, who took pride in being labelled the dare-devils of the prison.

Convicts are very like children—quite easy to manage when you find the way. At Dartmoor it took some time for the more violent to get out of the habit of answering back every time they were spoken to and of enjoying the luxury of telling the Governor what they really thought of him at interviews. In those first few days more than one tried to jump the railings to get to closer quarters with me when they did not get what they wanted. When they found themselves in the special cell where nothing could be broken they would cool down and generally ask to be allowed a fresh start. In those rather difficult days I came to realize how much better I liked the real ruffian than the sneak. After a few months we were able almost to abolish the “special party.” The number dwindled to about two and then flickered out altogether.

There were no more combined escapes after I took over charge of the prison. With every working party I posted a civil guard, mounted on one of the Dartmoor ponies we bred on the farm. I selected generally an old cavalryman. After a little time these ponies learnt to perform tricks. One of them

would lie down or rear at the word of command and he followed his master like a dog. Every now and then the guard was made to gallop across the bog as an object lesson to the men, and it was wonderful how cleverly the pony managed to avoid the patches of quaking morass.

But there was another object lesson the convicts took even more to heart. The field telephone wires radiated in every direction, and there were plugs on the poles to which the civil guard could attach his field instrument. The principal warden was not sure whether the men knew what the wires did, and he devised an object lesson of his own. It was planting time, and he arranged with the farm bailiff to issue no seed, but to have a guard ready mounted in the farm to gallop down with the seed on receipt of the telephone message. All went placidly until the "boxman" was appealed to for the seed for the drills. "I thought you had it, sir," he replied.

The principal warden appeared nonplussed. Then he seemed to have a brain-wave; he stepped over to the telephone pole and plugged in the instrument. All the convicts' eyes were fixed first on him and then on the farm buildings on the hill above them, whence, as if by magic, issued a horseman at the gallop with a sack in his hand and rode straight down to them with the missing seed. There were comments in the prisoners' letters next day on this dramatic incident, though, in point of fact, the stage-management was a little bit too good for real life.

In the most conspicuous part of the quarry cliff was the semaphore station. You reached it by a flight of stone steps, and found yourself in a little



round fortress with protection against the weather and a telescope to command every part of the estate. The sergeant in charge of the Civil Guard had this post, and from time to time he was responsible for calling up the bog parties to know whether all was well. He would then set his semaphore for the information of a corresponding post inside the prison walls. All this was changed by the institution of the field telephone. The inquiries were then more frequent, and in the case of an accident an ambulance could be obtained at once.

In those days the directors and inspectors, who made surprise visits to the prison, were under the pleasing illusion that by swift and unexpected movements they would find something wrong. Their method was to drive up from Tavistock, which took them past the quarry semaphore, to watch the semaphore jealously for the slightest movement of the arms, to drive at a swift trot right to the prison gate, to call for the orderly officer and make straight for the workshops. I do not think that the possibility of announcements by telephone ever struck them, nor did the invariable presence of the orderly officer at the proper point ever occur to them as a too remarkable coincidence. They always found everything running on oiled wheels and no sign of flurry or preparation.

Dartmoor Prison prided itself on its horses. The prison phaeton and pair was well known throughout the district. It was then the practice for the Governor to drive down to Tavistock once a week with a heavy leather satchel, to take the train for Plymouth, and there cash a cheque for the weekly pay of the staff. The principal prison messenger drove the pair and carried a revolver for the pro-

tection of the money. The horses were baited at the Bedford Hotel while the Governor was in Plymouth.

The drive back had an exciting start on market days, for it was the habit of Tavistock to stand about in the streets, I suppose to discuss the weather, for in Tavistock there can scarcely have been any other subject for discussion. Into this peaceful and ruminating crowd the prison pair would burst like a sudden eruption, scattering them in every direction, for they knew that the driver's face was set impassive like that of Fate, and that whatever happened to them he would not draw rein till he reached Peak Hill. Once I protested mildly that I had no wish to be arraigned for manslaughter. All he said was, "They *will* stand in groups."

On one occasion, some years before my arrival, when the carriage was passing along the plantation by the quarry, the messenger was fortunate enough to see a heavy balk of timber laid across the road and to pull up in time. The carriage was not attacked, but subsequent inquiries showed that a band of ex-convicts, no doubt aware of the routine, had visited the village during the day and had gone up the Tavistock Road. Probably they were hiding in the plantation at the time.

The appearance of an ex-convict in the village invariably created a flutter. He was closely shadowed by the local policeman until he left the place, because it was pretty certain that no ex-convict would care to return to Princetown except for some unlawful purpose, either to take revenge upon the officials or to "plant" forbidden objects for the convicts.

There have been royal visits to Dartmoor from

time to time. The last was made by King George and Queen Mary when they were Prince and Princess of Wales. As far as the convicts were concerned, nothing was said beforehand, but the news flew round the prison by magic, and there was a general air of increased self-consciousness and smartness on parade. The royal party watched the men march off from the windows of the Governor's office. This was afterwards commented on in a prisoner's letter :

"The Prince did not come out on the parade, but stayed indoors, which was a pity. I suppose he did not know that there is no more loyal body in the kingdom than His Majesty's convicts."

The royal party visited the quarry in their motor-car on their way to Plymouth. It was a moment of anxiety, because one sardonic old convict, who had worked for years at the same job and, as he expressed it, "let people alone as long as they let me alone," had privately informed his mates that if anyone raised a cheer he intended to boo. Forewarned is forearmed. The Chief Warder was on the spot, and, as the royal car drove in and the Prince alighted, he walked over to our sardonic friend and stood face to face with him at a distance of three yards. He said afterwards that the man grinned sourly, and actually joined in the cheering, though with a twisted mouth.

That quarry was probably the most picturesque in the kingdom. Outside was a flower-garden kept in order by a poor old convict who objected to being discharged. You entered the quarry through a rift in the granite cliff, and it then opened out into a wide arena, with stacks of granite blocks neatly piled about the foot of the two cranes. In the corner

was a busy blacksmith's shop, and as you came in the ring of the steel jumpers on the hard stone made a rather pleasant music. In every corner there was a little flower-bed neatly bordered with granite coping and tended in this unpromising soil by the boxmen.

High up on the face of the cliff you could see the convict driller at work. His business was to drive a deep hole behind the ledge, raking out the dust as he drilled. When all was ready he called the instructor, and together they loaded the hole ready for blasting. That was as far as the convicts were allowed to go, for when a shot was to be fired the whole body of men fell in and were marched, with their civil guards around them, to a distance. The instructor fixed the fuse and then himself ran away. After an interval came the dull explosion. Masses of granite were hurled into the air, and huge blocks, dislodged from the cliff-face, slid down to the quarry floor to be ready for the jumpers.

From time to time there were accidents. I remember one in 1897, when an old convict, who was already doing his fifth sentence in the quarry, made a miscalculation when a block of granite weighing many tons had been set in motion and, instead of stepping outwards to let it pass, squeezed himself against the cliff-face in the belief that he had room. There he was nipped by the block and slowly squeezed to death. Once, too, the crane itself collapsed, involving the death of one and the injury of another convict. But, considering that the men were unskilled, the accidents were very rare; in fact, the men were watched over with an almost paternal care.

The real objects of pity were the civil guards,

whom one might see posted in a ring on the edge of the cliffs above. There they came in for every bitter wind that blew, and the blasts on that bleak Moor were so bitter that the trees our predecessors had so industriously planted would never grow more than a few feet high.

## CHAPTER XIV

### PREVENTIVE DETENTION

THERE has been much discussion in America about the merits of the indeterminate sentence. Those who advocate it think that the powers of the jury should remain as they are, that the judge should pronounce a sentence of imprisonment and that the kind of imprisonment and its duration should be left to a Board of experts who are in constant touch with the prisoner and in a position to say whether he would be a danger to society if he were liberated. It is not at present likely that the people of this country would be content to vest in laymen so great a power as that of the deprivation of liberty, for that is what conditional liberation by a Board would amount to, and it may be presumed with some certainty that such a Board would make mistakes. The tendency of everyone connected with an institution is to imagine that good behaviour within its walls is a promise of good behaviour in the outside world. That, to my mind, is the defect of our system of allowing men to earn remission of their sentence by good conduct. It is a very convenient arrangement for securing the smooth running of a prison, but in many cases it is not at all fair to the community; for the men who earn remission are the long-headed, smooth-fongued rascals who want to get out of prison to continue their nefarious profession. The men of independence of character, the impulsive

and the hot-tempered, who might never revert to crime, are those who chafe under prison rules and forfeit the marks earned for remission.

England took a step in the direction of the indeterminate sentence when Preventive Detention was instituted under the Prevention of Crime Act, 1908. While the Act instituted a special treatment for young persons between the ages of sixteen and twenty-one, now known as the Borstal System, it devoted a section to the habitual criminal. The judge was given the power, in addition to a sentence of penal servitude imposed for a particular crime, to pass a sentence ordering that at the end of the term of penal servitude the prisoner should be detained for a period not exceeding ten years in preventive detention. There were safeguards: the jury had to find on evidence that the offender was an habitual criminal, that since the age of sixteen he had been at least three times previously convicted of crime, and that he was persistently leading a criminal life. In order to limit the powers of the police it was decided that no indictment under this section of the Act could be lodged without the consent of the Director of Public Prosecutions. That secured uniformity of practice. Everything turned upon the kind of life the preventive-detention prisoners were to lead.

A new prison was built at Camp Hill in Parkhurst Forest. Besides the buildings and workshops there is abundance of good agricultural land for gardening, and a little bungalow settlement exists in which parole prisoners can lead their own lives subject to their good behaviour. For the first year or two the system was experimental. On entering the prison a man was classed in the ordinary grade. From this he might graduate into the special grade or be

reduced for misconduct to the penal grade. The prisoners associated at meals. They could buy tobacco, newspapers, and magazines in the canteen. They could earn threepence a day, of which only part could be spent in the canteen. An Advisory Committee was formed to make recommendations from time to time to the Secretary of State to release individuals where there was a reasonable possibility of good behaviour.

The Act came into force on August 1st, 1909, and from that date until 1921, 577 persons were sentenced to preventive detention. 389 had been released, and of these, 325 were released before the end of their sentence of preventive detention. Out of the total of 389 released there were satisfactory reports about 210, or 54 per cent. It must be remembered, however, that the war cut across the ordinary working of the Act. It was possible during the war to send some of these men out on mine-sweepers or on other services where the temptation to relapse into crime did not exist, and therefore it is far too early to say that preventive detention has been a success from the standpoint of preventing habitual criminals from relapsing, though its success in providing an ameliorated treatment for persons serving a long sentence is indubitable.

As regards after-care, this is not vested in the police. The men report themselves to a State-aided Association called the Central Association, which has the after-care of convicts, and if a man fails to satisfy this Association that he is trying his best an adverse report may result in the cancellation of his licence.

It is obvious that the success of preventive detention depends very largely on the efficiency of the



Advisory Committee. The first Chairman, Sir Edward Clayton, who had long experience both as Prison Governor and as Secretary of the Prison Commission, wrote a memorandum shortly before his death, strongly advocating the indeterminate sentence. His high standing and his long experience carry great weight with those who knew him, but as the indeterminate sentence is not at present likely to be accepted in this country, it is not worth while to argue the matter. It is suggestive that out of 175 prisoners who have been located in the parole line cabins, not one has made any attempt to escape or to break parole.

There has been a good deal of criticism about the provision that preventive detention should be applied only to those who have already undergone a sentence of penal servitude. It is argued that it should take the place of penal servitude itself. This would mean that an habitual criminal would have more lenient treatment than a first offender and it would remove from imprisonment the greater part of its deterrent side. Nevertheless, there can be no doubt that preventive detention is destined some day to become the method of dealing with those habituals who have been found guilty of the graver crimes. I remember my first visit to Camp Hill. It was in the early days when the privileges were new. There, as I expected, was an array of familiar figures standing about in groups chatting in the exercise yard. It gave me a mild shock when I noticed that they were unblushingly smoking pipes. They smiled and nudged one another when they saw me, and as soon as I had entered the enclosure they sidled up to make applications. The first that came was one of those prison "grouzers" who had enter-

tained me with his compliments day after day at Dartmoor.

“ What sort of pipe do you call this, sir, for the canteen to charge me eighteenpence for ? The tobacco’s all right, I admit that, but this pipe—why, it isn’t a pipe at all ! ”

I took him with me to the canteen, where I bought one and tried it before him, and when I assured him that it was a perfectly good pipe he gave me to understand—more in manner than in words—that I was no judge. Most of the men had something to grumble about. It is the birthright of every Englishman who has not enough to do.

## CHAPTER XV

### LOCAL PRISONS

UNDER the common law, all gaols are the property of the King, but by a statute of Henry IV it was enacted that no one should be imprisoned by any justice in any place but the "common gaol saving the franchises of those who have gaols." Most of the gaols were under the control of the Sheriff, but certain nobles and bishops were allowed to maintain gaols of their own ; and towns, liberties, and other bodies who had no sheriffs, and yet were empowered by charter to maintain gaols, governed these places of detention themselves. In the reign of Elizabeth and of James I statutes were passed establishing "Houses of Correction" for setting rogues and idle persons to work. These establishments were under the justices, but the custom gradually grew up of committing criminals of all classes to Houses of Correction and this was legalized in the reigns of William IV and George I, under which even sentence of death might be carried out at a House of Correction. For the sake of economy it became the practice to have the gaol and the House of Correction under the same roof with the same staff, though the Sheriff was in charge of the gaol and the justices of the House of Correction.<sup>1</sup>

In 1865 the title "House of Correction" was

<sup>1</sup> *The English Prison System*, by Sir Evelyn Ruggles-Brise, K.C.B.

abolished and "local prison" became the proper name. Just before the war there were fifty-six local prisons in England and Wales, the Scottish and Irish prisons being under their own boards. Fourteen were closed during the war and eight more have been provisionally closed. They vary greatly in size, from the large local prisons in London, Manchester, and Liverpool, with an average population of a thousand or more, to the small prisons in country districts, with a daily average of less than a hundred. In 1877 all these prisons passed from the control of the local authority into that of the Government through the Prison Commissioners. I have already described the successive stages in the policy and administration of the local prison. It is still and will for many years probably continue to be in a state of evolution, since the many reforms that are recognized as desirable cost more money than Parliament is inclined to vote. My object now is to give an idea of the incidents that occur in the ordinary daily routine of a small prison.

When my turn came for promotion to the rank of Governor I was sent to Northampton, where the prison belongs to the fourth class, as being built for the accommodation of not more than two hundred prisoners. The prison was small. One might stand in the central hall and see the whole of it; one might almost run it with one's eyes shut. There was a female prison with a daily average of less than eleven inmates. The matron and the single wardress lived in apartments consisting of two cells knocked into one. It would be difficult to imagine a more dreary life, though the matron appeared to be quite happy surrounded by her cats. Her human charges were quite uninteresting and they had not the spirit even

to misbehave. Among all her charges I remember only one that was interesting.

A gipsy girl had been committed to prison from Aylesbury, and there was a demonstration of gipsies at the station on her departure. I forget what she had done, but her offence could not have been serious, since her sentence was one of only fourteen days. She spoke no language except Romany, and in my daily visit she did nothing but click her tongue at me and point to the window, meaning, I suppose, that if only I would open it she would take wing. I never saw any prisoner take confinement so much to heart. When the day came for her discharge there was a cluster of dark-skinned, exotic-looking men and women in gay colours to welcome her. They had come, I believe, from all parts of the country. There was much chattering and weeping, and we saw them no more.

The daily male "reception," as the new arrivals were called, amounted to six or seven, most of them drunken shoe-hands, poachers, or tramps. One poacher there was who had had thirty-nine convictions and had just attained his fortieth before I left. He complained that his eyesight was not so good as it used to be, and he thought he would have to give up his profession. I took pains to find out his family history. His brother and he were none of your poachers who steal pheasants' eggs and send them up to London for sale. They were sportsmen from their youth up, and what they did not know about snaring rabbits and the ways of wild animals would not be worth learning. In a higher walk of life they would have preserved game and would have had a reputation as naturalists. They poached for the mere love of the thing. They got their living

more from breeding lurchers than from selling game, but they must have been a pest to the property-owners round about.

Every now and then a man would be received on a very serious charge. Soon after I came there were several attempts at train-wrecking on the Midland and London and North-Western main lines. In one case an express had encountered a sleeper, supported by crowbars, but it cut through the obstruction without leaving the rails. On another occasion a chair had been wedged on the rails. The evidence pointed to a young man, the son of a passenger guard on the London and North-Western. He was arrested and committed to Northampton Prison, and in due course tried at the Assizes.

The trial lasted all day, and the jury were still out of court when darkness fell and the gas lamps were lighted. I had noticed a white-bearded man not far from the dock, whose eyes were fixed with an agonized stare on the judge throughout the summing-up. There was tense silence in court as the jury filed in, and when the foreman uttered the word "Guilty!" the old man groaned. In sentencing him, the judge laid stress on the fact that the train that the boy was attempting to wreck for the purpose of robbery might, for all he knew, be carrying his own father as guard. The old man could bear the strain no longer. "No, my Lord!" he shouted. "He would never do such a thing!" They led him out of court before the sentence was pronounced. It was twenty years.

In Courts of Record, as Assize Courts are called, great care is taken that no one save the judge shall know the previous criminal history of a prisoner brought to trial, since the knowledge that the

prisoner was an habitual criminal might affect the minds of the jurymen respecting his guilt. Two calendars are printed, the one on white paper, the other on grey. The white calendar is issued broadcast among counsel, jurymen, and officials; it contains nothing except the names of the prisoners and the offences they are being charged with. The judge only has the grey calendar, which contains under the printed name a list of the previous convictions in manuscript which is printed after the Assize Court has risen. I was present at the trial of an old professional burglar who defeated all these precautions. He was charged with breaking into a country house on a night when the earth below a ground-floor window was soft with rain. He pleaded not guilty. The most important evidence against him was that his boots, even to the nails, exactly fitted two footprints in a flower-bed. I noticed that he was trembling with suppressed emotion when a policeman was giving this evidence, and at last he could contain himself no longer. "Gentlemen of the jury," he broke in: "do you really suppose that an experienced burglar like me, with a dozen previous convictions, would think of breaking into a house in me boots? I ask you, is it likely? I always kick them off and go in in me socks, and here's this man swearing my life away with a tale like that!" His artist's soul was outraged, but I think from casual observations made by him after conviction that in this instance he had neglected his usual precaution.

Soon after my return from the South Seas, in 1901, I became due for a second-class prison, and was transferred to Cardiff. The population of the prison consisted largely of miners and sailors, and

there were reminiscences of Liverpool in the "corner boys," who take the boat for Cardiff whenever Liverpool becomes too hot to hold them. The women, too, were of much the same mould as in Liverpool, but, fortunately, there were not many of them. The matron, a most ladylike person, sent me a letter one day which ran much as follows : " Sir, at 6.45 this evening Martha Smith became very violent, smashed all her windows and furniture, and proceeded to tear up her bedding and clothing. When I went to the cell she seized the fire-bucket and emptied it over me. Number locked up, twenty-seven. All is quiet and correct."

In spite of this comforting postscript, I made a visit to the prison to hear what Martha Smith was then doing. Three-quarters of an hour had elapsed since the incident of the fire-bucket, but the matron received me in a pool of water, which was still dripping from her clothing, and explained that she thought it better not to change until I had had an opportunity of judging for myself the outrageous conduct of Martha Smith. She reported that the woman was now swathed in blankets and inclined to sleep. I pushed my inquiries no further. Next morning Martha Smith was arraigned before me. She was repentant and tearful : the matron was her best friend, but she had had a difference with "another lady" just before she came to prison, and she supposed it was thinking of that that had upset her.

I had been nearly five years at Dartmoor and there seemed to be no reason why I should ever leave it. My tenure of office drew to a close rather suddenly. It was intended, on the retirement of Major Clayton, C.B., to offer me the post of Secretary to the



Prison Commission in London, but about a year before his retirement under the age limit a serious disturbance occurred at Wormwood Scrubs Prison. At that time this great prison contained about 1,200 men. It was the *chef d'œuvre* of Sir Edmund Ducane, who, before he took over the prison department, had been an officer of engineers. It consisted of four great detached blocks, numbered A, B, C, and D, connected by covered ways with exercise yards between, and in the centre the chapel, the kitchen and bakery, which served the whole.

The convicts undergoing their separate confinement at the beginning of their sentence were all located together in the C Block, and it was among these that the mutiny occurred at a moment when all were out of their cells. What they did to that poor building would have made the architect weep. There was scarcely a whole pane of glass, a whole table, or a whole stool to be found by the time they had finished with it.

One venturesome spirit climbed on to the roof, and there, after smashing all the skylights, he did acrobatic feats, to the delight of an enormous London crowd that had collected on the Wormwood Scrubs Common. Never did an acrobat have such an appreciative audience. One or two of the warders had been knocked about, but none was seriously injured. The difficulty was to preserve order, for the local prisoners in the other halls were now becoming restless.

I received a telegram directing me to take over charge of the prison at short notice. By the time I reached it, the disorder had been quelled, but there was still a very restless feeling, for it happened that some of the warders, during the height of the

disturbance, had "got some of their own back" with their truncheons.

After going round the prison and surveying the wreckage, I asked to see the roll of the convicts, and there, as I expected, I found quite 80 per cent. of my old Dartmoor friends who had behaved exactly as I should have expected them to behave when they got into a prison where people were afraid of them. I had them all paraded on the exercise ground for a heart-to-heart talk. Before I called for complainants to fall out and relate their grievances, I said that we had better come to an understanding. This prison was going to be run exactly like Dartmoor. A man could take his choice to "do it smooth, or do it rough." It was a matter of indifference to me which he chose, but since remission marks are always worth having, I imagined that they would elect the former alternative. Then I called for complainants and there were none, though I noticed grins on the faces of not a few of them.

After this, we had no trouble at all except among the Jews, who formed half the population of one of the halls, and who would never take "No" for an answer. The daily applicants of each hall containing about three hundred men reached the enormous total of sixty the first week, but it soon fell to its normal average of ten.

Just before my arrival Sir W. S. Gilbert had resigned from the Visiting Committee, but his memory was still green. They told me that when a prisoner was charged with having seriously assaulted a warder the question arose what reward could be given to another prisoner who had gone to the assistance of the warder and had saved his life. One member suggested one thing, one another,

but when it came to Sir W. Gilbert's turn, he said, "Why not give him another warder to assault, and we won't punish him?"

A year or two later, when I was Secretary, he called at the Home Office to see me about the local colour for a short play he was producing. He looked round the room and said, "Last time I was in this building was when the Home Secretary sent for me and asked me if I could not spare the feelings of the Japanese by rewriting part of the *Mikado*. Though I saw the letters 'M.V.O.' a foot long in scarlet on the opposite wall, I said I would not modify a comma."

There happened to be a rather bad German artist in Wormwood Scrubs who had a knack of catching a horrible likeness in his portraits. They were decorating the chapel at the time, and he was mobilized for the frescoes in the chancel. The figures were intended to be the four Evangelists, but, to my dismay, I recognized in St. Peter a portrait of the chaplain, and in St. Matthew the clerk of the works who supplied him with the paint. It was intended to be a delicate compliment to these authorities.

There was also an Austrian thought-reader who made me quite uncomfortable. The chaplain had for some time been urging me to test this man's extraordinary powers, which, apparently, had procured for him his sentence of eighteen months, since, so effectively had he read the thoughts of a lady friend, that he had converted most of her jewellery to his own use. It was not until he was about to be discharged that I consented to see him in his cell during the dinner hour. I had previously prepared four sentences on separate bits of paper enclosed

in envelopes, one in English, another in French, another in Italian, and the fourth in Fijian, which language I happen to speak.

The chaplain opened the conversation by saying that I had come to test his alleged powers. Would he, without further demur, read the contents of the envelopes. He demanded to have them in his hand, and he then proceeded to lay each one against his forehead with all the preliminary patter to which I suppose the professional thought-reader is addicted. I did not know which of the envelopes he was holding. He read the French and the English quite easily, as if the words were written on the opposite wall. Then he stuck, and said that he could not see the words clearly, but they looked something like this, and he read the Fijian sentence, substituting u's for n's. Now, my "n" looks rather like a "u." I leave other people to explain the phenomenon. All I know about it is that when he came down to his final interview before discharge I found myself instinctively and illogically hiding all my papers.

One evening I was asked to go down to the "reception" to see a prisoner who was threatening to commit suicide. It was Smith, an American, who, on the prompting of "Chicago May," had shot at and wounded Guerin outside the Tube Station in Oxford Street and had been sentenced to twenty years. He was a splendid-looking man, quite young and, at the moment, like a young tiger fresh caught and caged. I never saw such an expression of fierce rebellion in any human eyes. It was useless to relate to him the ordinary platitudes about the time passing quickly and the advantage of earning one's remission. There, behind his

furious eyes, lay the thought of fifteen years stretching out limitless before him.

We put him under observation until there had been time for the fit to calm down, and before I left, he had, like most other sane men, adapted himself to the new conditions. So, I suppose, had "Chicago May." I never saw her in her golden hair and her sylph-like figure, with which the reporters made play at her trial. When we met the gold had worn off and she was employed, at her own desire, in the twine shed, turning the handle of a heavy machine with immense vigour, because she was alarmed at her increasing proportions and hoped to keep down her flesh by hard work.

I think the most sickening kind of prisoner is the humbug with a glib tongue. Such men are the stuff from which bigamists are made. A few are to be found in every prison, writing ardent love-letters to two or three women at a time, some of whom they had robbed of their savings. At Wormwood Scrubs there was one who had managed to convince a well-educated girl of good position that he was a martyr. Her relations had done all they could to persuade her that he was a fraud, and then they invoked me. It was a thankless task, for a woman in the throes of hero-worship has, for the time, dethroned her judgment, and even an ocular demonstration that the feet of her idol are of clay has not the slightest effect upon her. She was determined to marry him ; but, happily, there was no difficulty in proving to her that he had a wife already.

The Governor of one of these great prisons is like a man condemned to watch a long, dreary procession of little human tragedies trailing across his vision. He hears little bits of the stories, and can do little

to mend them, but he feels all the time that in a few months they will all start again beyond his ken. One of the most pathetic figures at Wormwood Scrubs was a poor old retired colonel who had lapsed into a tramp, and a drunken tramp at that. He was nearly sixty, and I felt that words would be worse than useless. Nevertheless, I did make one effort with the aid of his relations to pull him together, but it was no good ; he lapsed again.

There was nothing pathetic about the famous dog-stealer known as " the Chinaman " on account of his slanting eyes and yellow skin. Every now and then he took a term of seclusion in the " Scrubs " as an incident of his business. Early in his career he had performed the feat of persuading a policeman on point duty to help him to steal a dog, and this was how he did it. He had stolen a big golden collie which refused to go with him, so he called the policeman and said, " I wish you would give me a hand. The lady has engaged me to exercise this ' dawg ' and the brute doesn't know me. Would you just slip over to the fishmonger's and borrow a cord ? " And the policeman " slipped over " and obliged him.

At my first interview with him, the chief warden incautiously whispered, " This is ' the Chinaman. ' " The man heard him, and as he was going out he said to the chief warden : " I heard you tell the Governor who I was. I suppose he is afraid about that black poodle of his, but Lor' bless you, I could have had it a dozen times. I often see it sitting in a green motor-car outside his house, in Chelsea, but there's no market for black poodles."

## CHAPTER XVI

### THE PENGE MURDER

WHEN a prisoner leaves the dock after his sentence he is lost to the world at the very moment when he begins to be interesting, for the passion-tossed and storm-ridden life that led to the commission of his crime hid even from the man himself his real nature. Most people have forgotten the Penge murder, and I should probably have forgotten it myself if I had not known one of the men condemned for the murder—Louis Adolphus Edmund Stanton.

It was one of my duties, as Deputy-Governor of Dartmoor Convict Prison, to attend the Church of England service in the morning and the Roman Catholic Chapel in the evening every Sunday. The Church of England service was like that of every prison in the country. The chapel was packed with convicts, all silent and well-behaved. They joined heartily in the hymn-singing and appeared to listen attentively to the sermon—far more attentively than people do in most churches. The congregation in the Roman Catholic Chapel was much smaller and the men were naturally spectators rather than worshippers, but what riveted my attention was the man who was serving the Mass. In ordinary Catholic churches this would have been the duty of an acolyte in some kind of vestments. Here it was performed by a convict in the ordinary uncouth dress and the ordinary clumsy prison boots, but he

seemed to know his business as well as the priest himself did. He swung the censer as if he had done it for twenty years. He had ready to his hand everything that the priest was likely to want, and when there were responses he led them. But it was his face that caught my attention, for behind the reverent demeanour there were features which no refining influence could obliterate—the features and expression of relentless will and evil temper.

I lost no time in asking who he was, and learned that he was quite an institution in the prison, that he was the surviving brother of the two Stantons, who had been convicted of the Penge murder in 1877, that he was within a year of his discharge, and that his conduct had been exemplary throughout his sentence. That meant a good deal, for a convict prison was no seminary for young ladies in the 'seventies and 'eighties, as Stanton himself afterwards explained to me.

I am old enough to remember the public excitement caused by the Penge murder. In fact, I have never passed through Penge without a feeling that the name itself was ill-omened, and yet, from what Stanton told me and what I have afterwards read about the trial, there seems to me no doubt that if the tragedy had occurred in the twentieth century, when medical knowledge is so much advanced, the women would have been acquitted and the men convicted of manslaughter.

On April 12th, 1877, when the 8.36 p.m. train stopped at Penge, two young men were seen to be supporting a fainting woman along the platform. The station master stopped them and sent for a chair, and between them they carried her to a cab and drove away to lodgings at No. 34, Forbes Road. On the



following afternoon the woman died and the young men tried to register the death on a certificate from a Dr. Longrigg as being due to apoplexy. It was by pure accident that this certificate was withdrawn and information given to the coroner. Stanton, then a young man of about twenty-two, called at a sub post office to ask where the death should be registered. He mentioned that the deceased woman had come from Cudham. The sub post office was also a shop, and at that very moment, by a coincidence that is probably unique in criminal annals, a man named Casabianca overheard the conversation and realized that the dead woman was his own sister-in-law. He said nothing to Stanton, but he went off to Dr. Longrigg and the police. Dr. Longrigg withdrew his certificate and the police communicated with the coroner. A post-mortem examination of the body of Harriet Stanton was made, and it was found that she was almost literally a skeleton, weighing only a little over three stone—in fact, that she had been starved to death. As a result of the inquest four persons were arrested—Louis Stanton, his brother Patrick Stanton and his wife, and a young woman named Alice Rhodes, who was living with Louis. The story brought out at the trial was squalid and horrible. It was worked up by the press until for the moment it overshadowed every other question in the public mind, and the prejudice against the accused was such that it was determined to move the case to the Old Bailey because a Kent jury could not be trusted to give an unbiased verdict.

Harriet Stanton was the daughter of a clergyman's wife named Mrs. Butterfield. When Louis Stanton first knew her she was about thirty-four,

feeble-minded and exceedingly plain, but she had about £3,000 of her own, with certain expectations. At that time Louis was an auctioneer's clerk on a weekly wage, and the temptation to obtain money through his wife caused him to press his suit. This was bitterly opposed by the mother, who tried to get her daughter officially certified as a lunatic. Harriet was not at that time living with her mother, but with an aunt at Walworth, and this made it possible for the marriage to take place. Louis lost no time in getting his wife to make over to him all her money. There was constant friction with the mother until she was forbidden the house. At this time Louis and his brother Patrick were both living in the same street at Brixton, and there Harriet gave birth to a boy. Soon afterwards Louis and Harriet removed with the child to Gipsy Hill, Norwood, and a little later they moved to Cudham, a lonely little village in Kent. Here Patrick and his wife joined them, Patrick living in a five-roomed house called The Woodlands, a little way from Louis' farm, which was known as Little Grays. The married life of the wretched woman was not such as would tend to make her mind less feeble. In a curious, dog-like fashion she was attached to her worthless husband and to her little child, but she had just sufficient intellect to know that he was unfaithful to her, and the quarrels that ensued made Louis determined to get rid of her and the boy. Accordingly, he made an arrangement with his brother, under which Harriet and the child should be kept at The Woodlands at a weekly payment of £1 and that he should be left free to live with Alice Rhodes at Little Grays. At Woodlands the wretched woman was imprisoned in a tiny

bedroom. The child sickened, and the two brothers and Mrs. Patrick carried it to Guy's Hospital, giving a false name, when it was in the last stages of neglect, and on the following day the child died. Harriet, meanwhile, was growing weaker, dirtier, and more neglected. At first she had had her meals with the family, but later she was kept in this filthy room and fed upon scraps which the servant saved for her. Her outdoor clothing was taken from her, so that she could not leave the house, and at times she was brutally beaten by Patrick Stanton.

Meanwhile, Mrs. Butterfield was doing all she could to get into communication with her daughter, but she was threatened and actually assaulted when she went to Cudham, and though she communicated with the police nothing was done.

I think there can be no doubt, from the evidence, that Louis had a definite plan to get rid of his wife and to marry Alice Rhodes. I will give his version of this part of the story a little later. Harriet Stanton was certainly sinking, and the two brothers, aware that there was talk among the neighbours, determined that she should die not in Kent, but in Surrey, because under these circumstances the death would be registered at Croydon. It was for this reason that they took lodgings in Penge and took the dying woman there. They said that the rooms were required for an invalid lady, who could eat but would not, but they said nothing about her being Louis' wife. But they had made an amazing miscalculation. Forbes Road was a few yards from the boundary between the two counties, and from their point of view it was on the wrong side of the boundary.

Quite ignorant of this, they drove the dying woman

to Bromley Station and took her by train to Penge, as already described. All through the night she was watched by Mrs. Patrick Stanton and Alice Rhodes, who must have known that she was dying.

The case was tried by Mr. Justice Hawkins, afterwards Lord Brampton, and all the great advocates of the day were engaged on one side or the other. The Attorney-General, Sir John Holker, the Solicitor-General, Sir Harding Gifford, and Mr. Poland prosecuted. Louis Stanton was defended by Mr. Montague Williams and Mr. Charles Mathews, afterwards Director of Public Prosecutions. Patrick Stanton was defended by Sir Edward Clarke, and the two women by other Counsel. The defence argued that the death was due to tubercular meningitis. The judge's summing-up began at half-past ten in the morning and lasted until twenty minutes to ten at night. The jury were absent for about an hour and a half. The streets outside the Old Bailey were packed with people, and, as nearly always happens, by some subtle human telegraphy the crowd knew the verdict almost as soon as the foreman had given it. Before the judge had assumed the black cap a roar of execration almost drowned his voice. Sentence was pronounced a few minutes before midnight. Alice Rhodes fainted in the dock and the two brothers clasped hands. The execution was to have taken place at Maidstone, to which prison the condemned were removed, but there was soon some reaction in public opinion. It was pointed out that the judge had ignored the evidence for the defence, which tended to show that Harriet's death was due to natural causes. For this reason Alice Rhodes was soon released and the sentences were commuted to penal servitude for life, which means

twenty years. Patrick did not live to complete his sentence, and at the time of which I am writing Louis was the only surviving prisoner of the four.

I did not talk to him about his crime until just before his discharge, when it is the duty of the Deputy-Governor to give advice to outgoing convicts and to offer them such help as can be arranged for them ; but I did see a good deal of him from time to time, and the various priests who did duty in the Roman Catholic Chapel all testified to the fact that Louis Stanton's contrition was perfectly genuine. He was certainly a model prisoner. Occasionally he made applications to me, but he never wasted time. He was reserved, business-like, and respectful. I do not think that once during the months I knew him I ever saw him smile. Indeed, his features were not made for smiling. About the middle of September 1897 I had a heart-to-heart talk with him. He had felt the death of his brother very keenly. The brother's wife had been released many years before and had prospered in business under another name. Like most thinking prisoners, Stanton had very definite plans for the future. Certain friends were taking an interest in him and were prepared to set him up in business as a tobacconist in one of the Southern coast towns, and for this purpose he had chosen another name, which he intended to adopt. Occasionally, discharged convicts write to the officials whom they like to tell them how they are getting on. I advised Stanton not to write to any of us. There was no danger of his relapsing into crime and the essence of rehabilitation is that no risk should be run of betraying identity, and so, though I heard of him, I never heard from him.

He gave me a very remarkable account of the

tragedy, which I am satisfied he believed to be true. He was not guilty of murder, but, as he said himself, he was guilty of offences worse than murder. He said, and I believe him, that at the age of twenty-four he was quite a different person—selfish, self-seeking, remorseless—and that he owed a great deal to the seclusion of a prison cell in that it had given him time for thinking. He repeated the statement which was rejected at the trial—that one of the symptoms of feeble mind in his wretched wife was intemperance. She had been drinking steadily before he married her, she had a craving for liquor afterwards, and then she turned against her food. None of them liked her; they were quite callous about the result if she chose to refuse food that was offered to her; in the end, as she sent it away untasted, they ceased to offer it. He did not deny that they were all longing for her death and that they had behaved with the grossest cruelty and inhumanity, but he solemnly declared that they had not wilfully starved her, though there was so much in their conduct that would not bear the light of day. That was why they had used false names and had taken her to Penge to die. He declared, further, that he had never had any design upon her fortune and would not have thought of marrying her if he had not been impelled thereto by a female relation of her own.

Speaking of his earlier career in the prison, he said that he had made up his mind to go through his sentence without incurring punishment, and that in the earlier years it had taken him all his time. It was not the fear of losing remission, because a life-sentence prisoner earns none, but it was the feeling that he had deserved his punishment and had better

serve it with as little friction as possible. He told me what I already knew, that good-conduct convicts suffer more from the envy of their fellow-prisoners than they do from the warders or the discipline. When talking was rigidly punished envious convicts would do their best to draw him into conversation and get him a bad name with the warders, but he triumphed over all these difficulties, and did, what was very rare in those days, serve twenty years without incurring a single report.

He was discharged on September 25th. He had chosen for himself a dark suit from the rather limited choice of patterns which were kept in the tailors' shop. The suit was made to measure for him by his fellow-convicts and the storekeeper supplied him with the regulation round hat and spare shirts and collars. I saw a vigorous hand-shaking at the gate with some of the warders who had a respect for the man, and he was packed into the brake and driven down to Tavistock to catch the train for London. Even in that supreme moment of liberty his swarthy face never changed its expression. I have heard since that he married and has several children. At any rate, I never had any fear that he would again relapse. He was not a criminal by nature and he had a strong character, and these two things almost invariably keep ex-convicts clear of the law. There were many successors to Stanton in serving the Mass at Dartmoor, and though they did their best, it fell far short of his performance, as the priest had often reason to complain.

I knew Stinie Morrison under the name of Morris Stein, and as I saw him nearly every day at Dartmoor for a period of over three years I may claim

to have known him better than anyone who had to do with him at his trial for murder in 1911.

Morris Stein was a Russian Jew, tall, well-built, and athletic-looking, with features that might have been called comely. He had a bad reputation among his fellow-convicts for bullying and bad temper, but at least he contrived to keep clear of fighting for a period that entitled him to have his name noted for the bakehouse. Here, for a time, he worked well. It used to be the rule to treat the bakehouse as a privileged party, and when a convict was punished for an offence in a privileged party one of his punishments was that he should be turned out of it. But when Morris Stein, to give him his registered name, was at Dartmoor there was a lack of applications for the bakehouse, and as the bread had to be baked a baker who incurred a "report" took his punishment and returned to the party.

After a few weeks Morris Stein appeared before me with another convict for fighting. As usual, each declared the other to be the aggressor, but the warder's evidence was clear: Morris Stein began by bullying the other at the kneading trough; the man "answered back" and Stein felled him with a blow. Then the fight began. Stein was awarded two days' bread and water and the other was discharged with a caution.

When things went amiss with Stein his face underwent an unpleasant change. I was never quite sure whether he would not make a leap at the railing that separated the "dock" in the Adjudication Room from my table, to get at me. He would mutter imprecations under his breath and toss his head in a peculiar way. But after



two days in the cells his sense of self-interest would prevail and things would go on as before.

Stein was the most fluent and convincing liar in the prison. Whenever he made an application he supported it by a series of plausible reasons that invariably proved to be untrue. His sister was dying : might he have a special letter ? He had destroyed the letter which conveyed the sad news, but if I doubted it I could write home and ask. I did doubt it, and in reply to my letter of inquiry I was assured that the sister was in good health. Or, would I note him for the kitchen party ? He suffered from severe internal pains, for which a warm atmosphere was an infallible cure. If I doubted it I had only to ask the doctor. I did ask him, and found that Stein had never complained of pains before and he had been gaining steadily in weight. I saw Stinie Morrison in every mood—defiant and wheedling, sarcastic and murderous---and, though we contrived to manage him and keep him clear of open mutiny. I always expected him to commit some act of violence in the prison that would add many years to his sentence. The Bolshevik Russian Jew had not then been heard of. If Morris Stein had been alive and free in 1917 he would have been in the thick of the business in Russia, probably as Head of the Extraordinary Commission, the Tche-ka.

He was a professional burglar and thief, and even professional burglars with fiendish tempers sometimes resort to murder. If I had been asked who, of all the men in Dartmoor, would be most likely to commit murder, I should have cited Morris Stein first. After the trial a good deal was made of the intimidation of some of the witnesses by Russian Jews. This is not very difficult to explain. As we

found during the war, there is a good deal of solidarity between the Russian Jews in the East End until they rise to a position of affluence. They held together very solidly during the war against any military service, and when they found that they had to pretend to serve one of the Allied Nations, they elected to return to Russia and serve in the Russian Army. Special trains were provided for them from King's Cross to the port of embarkation, but barely 5 per cent. of them appeared at the station at the appointed time. In the end, a very large number escaped service altogether by these tricks, and when the Bolsheviki Revolution broke out in Russia they were to be found playing at Bolshevism in London. On the whole, they are timid folk, and a man of the type of Stinie Morrison—big, confident, and self-assertive—was bound to become a sort of hero among them. Morrison had never been through the mill in Russia. He was born in Australia, where he imbibed those notions of independence and defiance of authority which distinguished him so markedly from the other Russian Jews.

## CHAPTER XVII

### MURDERERS AND CAPITAL PUNISHMENT

A PRISON Governor is not an unbiased witness on the subject of capital punishment. He is too near to the grim business to be impartial. Little as I like the practice of giving a man a punishment about which we know nothing except that it is irrevocable, I recognise that occasionally crimes are committed in which public sentiment is outraged to such a degree that a sense of justice might lead to lynch law, and there is no justice in the world quite so blind and so foolish as that of Judge Lynch.

In looking through the old records of Northampton Prison I noticed that, as public opinion began to harden against executions for what we now regard as minor offences, an increasing number of such sentences were commuted to transportation, and that by the year 1820 executions were the exception rather than the rule. When Romilly uttered his famous aphorism upon the English criminal law, the police were inefficient. If a majority of the delinquents is arrested and tried, there is little need to terrify other people into good behaviour. It is only when crimes far exceed the arrests that sentences are increasingly severe. No doubt our savage penal laws in the old days did have the advantage of reducing the number of the habitual criminals, but this argument does not seem to have been used by

those who opposed any leniency. They said, as they say now, that capital punishment was a deterrent to crime, that if it were abolished for all offences but wilful murder there would be an enormous increase in felony of all sorts. Like most of these prophets, they were wrong, and if one may judge from the stultification of every forecast in the past, the abolition of capital punishment in England would not be followed by an increase in the number of murders. The fact is that most of the murders are committed by persons in such a state of mind that they regard the certain risk they are running as well worth while. "I will swing for you," the prospective murderer says in his heart. The calculating murderer, such as the poisoner, is banking on the hope that he will not be found out. The human animal is so curiously constituted that the highwayman of the eighteenth century was recruited from idle, dissolute, and dashing youths to whom the adoring admiration of the mob as they were driven to Tyburn was more than a compensation for what they were to suffer. The abolition of public execution by the Act of 1865 has taken away from the condemned felon this compensation, but he has another; the fact that for three weeks he is the centre of the little prison world; for three weeks he has the chaplain and all the officials treating him with the sort of tender solicitude that the man who is about to die will always command among decent people.

It is a curious reflection that the abolition of public executions has more than probably prolonged capital punishment in England, for in these softer days modern humanitarianism would have been stirred to its depths by sensational accounts

of public executions in the newspapers as it was in the Muller case in the 'sixties.

So many countries have abolished capital punishment that it seems already an anachronism, and the number of executions annually in England is reduced to from seven to ten out of a population of some forty-eight millions. There is, besides, force in the argument that the juries of the twentieth century, like juries of the eighteenth, shrink from their plain duty when they know that a verdict of "Guilty" must have the effect of sending a fellow-creature into Eternity. And there is the further consideration that, out of the number annually condemned to death, a majority, from one cause or another, escapes the scaffold and goes to penal servitude for life. Nor does it seem right that an executive officer like the Home Secretary, on the advice of other executive officers, should be called upon to act as a sort of Court of Appeal and to bridge the vast gulf which lies between death and a life sentence of penal servitude.

I have known many murderers whose sentences were commuted. I can remember only one—Stinie Morrison—whom I would not trust not to commit a second murder. The rest were always a good influence in the prison and qualified themselves for positions of trust.

An execution is the worst ordeal that the officers of a prison can undergo. They have the culprit awaiting trial; they may be asked to advise him about his defence; they are present at the trial, and they receive him back again to prepare him for what is to happen three weeks later. When the end approaches the man is quite a different person from the creature who was admitted two or three

months before, smelling of drink, unnerved, and sometimes truculent. They have, in a sense, grown almost fond of him.

My first case was a young man, a shoe-hand, who had killed his girl in a quarrel. In mentality he was little above the animals, and, no doubt, when in liquor he was a very dangerous animal indeed. He was perfectly rational, but I doubt whether he understood the full enormity of his crime.

When a man leaves the dock under sentence of death he is taken downstairs and searched to the skin. From that moment until he is dead two warders are always with him. The condemned cell at Northampton was a double cell furnished with an iron gate instead of a door. I often wondered as I went round the prison what the man could find to talk about to these warders, who stood by him day and night, but he did talk, and he could even be seen chatting with the warders on the exercise ground, where, according to humane practice, he was supplied with tobacco. He rose to some degree of pathos and dignity only once, and that was the night before his execution, when his mother and sister came to take leave of him. He sat at one side of the table, they on the other, the warders between. As I passed the cell I saw the mother clasping his hand with both of hers, and I think that the man was crying.

Why did the public executioner of those days always come from Lancashire or Yorkshire, and why was he nearly always a barber in private life? The executioner was under very strict rules. He had to present himself overnight and sleep in the prison after making the necessary tests of the apparatus. His diet was carefully prescribed—I

suppose to ensure that he did not try to keep up his nerve by artificial means. On this occasion he was a really dreadful little man, like a Yorkshire terrier, and I caught him looking at my neck to see what drop I would take. He deplored to me the times we were living in. "It is not as if people like to come and be shaved when they know who I am, and how is a man to bring up two daughters respectable on ten jobs a year?"

It used to be the rule that if the prison had not a bell to toll, a bell must be tolled in the nearest church. That was part and parcel of a concession that was made to opinion when public executions were abolished in 1865, but it had the effect of collecting a vast crowd at the prison gate who came in the hope of hearing something, though they could not see. Tolling the bell has now very properly been discontinued.

This execution was fixed for nine o'clock, and when I came out about twenty minutes before the appointed time, I passed the executioner in his working dress, which consisted of a cardigan waistcoat and no collar or tie. In his hand were the pinioning straps, and he was looking anxiously at his watch. In the condemned cell I expected to find a white and trembling fellow-creature. On the last morning of their lives, condemned prisoners are allowed to choose their own breakfast, and here I found my man sitting down to a large plate of beefsteak and onions, with his elbows well squared, eating voraciously. He belonged to the class who never looks forward beyond the next meal.

The minutes dragged on. The chief warder, whose favourite relaxations were planting potatoes and taking round the bag in church, was also looking

at his watch. It was ten minutes to nine. One of the warders came out of the cell with the empty plate and said the prisoner would like another helping. The chief warder, highly scandalised, said, "The man ought to be thinking about his immortal soul instead of beefsteak and onions." He did have a second helping, while the executioner, hidden round the corner, called my attention to the hands of his watch in dumb show. It had never yet happened to him that the bell should cease tolling before the job was finished. When the last mouthful was swallowed, the procession was formed and the young man, with a warder on each side supporting him, walked quite cheerfully behind the chaplain until the dreadful shed, which at other times was used as a coach-house, came into view. Then for a moment he stumbled and changed colour.

All this takes so long to tell and so short a time to act. In thirty seconds from the forming of the procession the man was dead. The fall of the drop could be heard outside, and there was a confused roar of voices like the moaning of the wind. The warder posted the signed certificate outside the gate, signifying that the sentence of the Court had been carried into effect, and the business then was to get the executioner out of the prison unobserved. There was, however, a back gate in another street. He was bundled into a cab with his black bag and driven swiftly to the station.

Just before I left Northampton a shoe-hand was tried for his life. He had murdered the woman he was living with, with a shoemaker's rasp, under such circumstances that it was difficult to believe that he was human. Having committed the murder, he went to the kitchen and cooked himself a rasher



of bacon and, on his own confession, having breakfasted, he got back into bed with the corpse, as he expressed it, "to get a bit of sleep." In the early hours, when his brain began to shake off the fumes of his overnight potations, he left the house and wandered into the country, and then, having realized that there must be a hue and cry, he walked into the nearest police station and gave himself up.

Meanwhile, the murder had been discovered by the neighbours, and it is a commentary upon the society to which the couple belonged that when the police reached the place they found the brothers of the dead woman at the door taking sixpence a head from a queue of total strangers who wished to view the corpse of their dead sister. That afternoon he was received at the prison, but instead of a ruffian I found in a cell a polite and very gently spoken man of about forty; his one wish, apparently, was to give as little trouble as possible. After the death sentence was passed upon him he maintained the same demeanour. He was polite and thoughtful towards everyone who visited him. He never asked for anything and was profuse in his thanks for all that was done for him. According to the chaplain, he was repentant and well-prepared for his end.

It happened that the day fixed for his execution coincided with the date appointed for the opening of an institution by one of the Royal Princesses. It was a terrible morning in November; the rain was coming down in sheets. I was to leave that day for another prison, but ten minutes before the hour I went into the condemned cell to say a few words to the man. I asked him how he was feeling. He said that he felt very well indeed and he wanted to thank everybody for their kindness to him. "It's

terrible weather, though, sir," he added unexpectedly. Perhaps I showed my surprise at the state of the weather occupying his thoughts at such a time, for he went on, "Oh, I wasn't thinking of myself, sir, I was thinking of the Princess." Within seven minutes he had passed over the threshold.

In a preface to a book recently published by Mr. and Mrs. Sidney Webb, Mr. Bernard Shaw says that there is not very much difference between the death sentence and imprisonment. "Each is a method for taking a criminal's life, and when he prefers hanging or suicide to imprisonment for life, as he sometimes does, he says, in effect, that he would rather you take his life all at once, painlessly, than minute by minute by long-drawn-out torture." It is a fine effort of imagination. No Governor has ever yet met a condemned prisoner who would refuse a reprieve or who did not ardently long for one. It is said that Stinie Morrison was an exception, but I knew Stinie Morrison too well to doubt that if he had been taken at his word his complaints and his petitions would have been insistent.

The Act abolishing public executions was passed in 1865 largely in consequence of a graphic description published in *The Times* of the scenes at the execution of Muller, the train murderer, which, though perhaps over-highly coloured, left no doubt about the demoralizing effect upon the crowd. As the object of executions was deterrence, and England, before the passing of the Education Act, was unimaginative, there was some point in letting people see for themselves what would happen to them if they took the life of a fellow-creature, and there was the further consideration that if the execution of the sentence took place behind closed doors there would be no

guarantee against corrupt officials pretending to carry out the sentence and letting the culprit escape. In order to satisfy the public, the Act provided that the Sheriff and the Governor of the prison should post on the prison gate a certificate that the execution had taken place and that an inquest should be held on the body. On the occasion of an execution, the Governor acts under the orders of the Under-Sheriff, who engages the executioner and must himself be present. The Prison Governor does no more than give him facilities for carrying out his duties and hand over the prisoner to him at the appointed time.

It is a popular fallacy that someone signs a death-warrant before an execution can take place. The only document is the Calendar recording the sentence signed by the Clerk of Assize : there is no separate document for a sentence of capital punishment.

Having said so much in support of the arguments of the abolitionists I feel bound to admit that there do occur murders which stir the imagination of the public so deeply that there is an almost universal demand for expiation—murders such as those of Sir Henry Wilson and Sir Lee Stack, or cases of peculiar atrocity such as the crimes of Landru. The abolition of capital punishment must be demanded by a majority of the people before it can safely pass into law, and before this comes about a change in public sentiment is necessary. No legislation is wise until enforcement has a majority of the people behind it : this hackneyed principle applies not less to the abolition of capital punishment than to the prohibition of alcohol.

The public temper has undergone a change since 1865. Probably the great majority of the men and

women who crowd about the prison gate for a sensation and try to mob the executioner when he leaves the prison would be greatly relieved to hear it announced that the convict had been reprieved, but there are exceptions, which show how deeply ingrained in us is the sense of the *lex talionis*. It is not a matter of education, because all our early Christian training teaches us to forgive as we would be forgiven ; it is rather a stern sense of the justice of retribution, with perhaps some admixture of the instinct of self-protection which sets store upon the deterrent side of capital punishment. The case of Ronald True is in point. By an unfortunate accident, it coincided with the case of Jacoby, who was hanged a few days before True was reprieved after committing a crime of greater barbarity.<sup>1</sup> Evidence was given at the trial that True was insane and a committee of alienists appointed by the Home Secretary came to the same conclusion. The public has an inherent distrust of the expert and in this case it took the common-sense view that if True was sane enough to be at large and to commit murder with the full knowledge that he was doing wrong, he was sane enough to be hanged. The outburst of indignation when it became known that he was reprieved after an unsuccessful appeal to the Court of Criminal Appeal suggested how easily we might slip into the jurisdiction of Judge Lynch, for if once we begin to distrust the machinery of our Criminal Courts we should very soon find people taking the law into their own hands." For it is not the Criminal Law which awards and carries out sentences, but the will of the community, which judges and magistrates and ministers

<sup>1</sup> A similar inequality of justice nearly caused a riot in Hull in 1924.

and prison officials are appointed to represent. The will of the people is often faulty. Ministers have often wisely to run counter to public sentiment, but in the matter of sentences on criminals it is specially dangerous to flout it.

Cases such as that of Ronald True seem to make it doubtful whether capital punishment will be abolished during the next two or three generations. It is not that the Englishman has, as suggested by Mr. Bernard Shaw, sadistic tendencies, but rather that his prevailing characteristic is "horse sense."

## CHAPTER XVIII

### PRISON LABOUR

AMONG the complaints about the modern prison system is one that labour carried on in prisons is not calculated to improve the mind or to fit the prisoner for honest work on discharge. These critics are not aware that in local prisons only 2 or at the most 3 per cent. are undergoing sentences of more than six months and the majority of the prisoners are serving sentences of a month or less : the wildest enthusiast for prison reform would scarcely urge that men or women can be taught remunerative trades in less than six months.

Considering the extraordinary difficulty of the case, the authorities have done a very great deal. In the 'seventies they had no less than 3,000 prisoners at work upon mat-making, but in consequence of an agitation among the mat-makers in the country, who complained that the competition of prison labour was seriously affecting their trade, the industry had to be abandoned. About this time the ship-builders began to build with steel instead of wood, and the demand for oakum, which had kept most of the short-sentence unskilled prisoners at work, fell off to such an extent that it could scarcely be considered a staple industry. A little oakum is still picked, but it is not always easy to dispose of, though hand-picked oakum is infinitely more valuable than the machine product. From 3,000 to 4,000

prisoners then lost their occupation. At the same time, the period of separate confinement on hard labour was reduced to one month. A larger body of prisoners thus became eligible for industrial work. Before the Government assumed the control of all local prisons in England and Wales on April 1st, 1878, the trades had been greatly developed. Even in the 'sixties there was a revolt on the part of the magistrates against such unremunerative labour as the treadmill, shot-drill, the crank, the capstan, and stone-breaking. At some prisons, such as Winchester, practically the whole of the prison population was employed in pumping, grinding, and oakum-picking. At Devizes 62 out of 78 prisoners were on the treadmill or were picking oakum, but at Wakefield the prisoners were earning £40,000 a year at mat-making and steam power was employed. The goods were sold by a commercial traveller and the prison industries were under the control of the Trade Manager, provided with a staff of clerks and trade instructors, whose salaries were taken out of the profits. The Trade Manager had authority to award a gratuity not exceeding half a crown to any prisoner who had shown special industry, and the Governor could supplement this to the extent of 17s. 6d. A further and stronger incentive to industry was the power of the Trade Manager to recommend the grant of additional bread to specially industrious prisoners. There was much the same arrangement at Preston Prison, where the men could look forward to a fixed scale of remuneration for their work. At Hereford the Governor himself received 10 per cent. on the net profits, and trade officers were employed at Kirkdale, Manchester, Leeds, Lewes, and many other prisons.

In respect of industries, the taking over of the prisons by the Government was retrograde. The remunerative industries were at a standstill. It was not until the public inquiry of 1894, which condemned the separate or cellular system except for short periods, that it was possible to resume remunerative employment in local prisons. In the North of England, where hand-weaving still lingered, prisoners were employed upon the loom, and associated labour made it possible to introduce more skilled work. At this inquiry the vexed question of competition with free labour was discussed with the representatives of trade unions, who admitted the force of the argument for industrial labour among prisoners, but urged that direct competition with outside labour should not be allowed at cutting prices. This inquiry of 1894 was a new starting-point for prison industries. The recommendation of the Committee that all forms of unproductive labour, such as cranks and treadmills, should be abolished was immediately put into force, though there were great difficulties to overcome, in the way of providing workshops and finding suitable work for the unskilled. A new price-list of work was brought into force both in convict and local prisons, and the old-fashioned "per diem" rates, which had no relation whatever to the amount of work done, was replaced with a scale of rates per article. Special allowances to warders engaged in trade instruction were authorized and by the year 1900 there was an increase of no less than 30 per cent. in the average earnings per prisoner as compared with what had been earned four years previously. The buildings in which the treadmill was housed were adapted for workshop purposes and steps



were taken to develop such trades as book-binding, printing, carpentry, tin-smithing, shoemaking, and tailoring to provide for the needs of Government Departments.

It is interesting to note the result. In 1878 the average earnings of a local prisoner were £5 18s. 0d. In the year 1904 his average earnings were £9 18s. 9d. The average number of prisoners for whom productive work was found was in 1913 about 86 per cent. of the population divided as follows :

On manufactures . . . . .	10,500
On building . . . . .	1,700
On domestic service of the prison . . . . .	3,000
On farm work . . . . .	400

By 1908 the average annual earnings of the prisoner had been increased to £13 2s. 0d., and some reduction had been made in the number employed upon the low-grade industries. A certain amount of unskilled and comparatively unremunerative labour cannot be avoided, because the sentences of many are so short and others are physically unfit for employment on heavier labour. The low-grade industries consist of pea-sorting, bean-sorting, coir-balling, coir-picking, cotton-sorting, oakum-picking, rope-teasing, and wool-sorting. In 1908 about 28 per cent. were employed on these industries and there was a permanent non-effective strength of about 16 per cent., which was made up of prisoners awaiting trial, patients in hospital, prisoners undergoing punishment, and prisoners awaiting medical examination.

From 1908 onwards, the Prison Commissioners gave particular attention to the tasking of industrial labour, and in 1911 there was a record output valued at over a quarter of a million pounds. The average annual earnings per prisoner rose to £14 9s. 4d.,

and the non-effective strength fell to 15 per cent. of the prison population. Moreover, the number employed on low-grade industries has now fallen to only 4 per cent. Female prisoners were not neglected. It was arranged to permit women to be associated at labour from the beginning of their sentences and to give the domestic service of the prison to the short-sentence prisoners, leaving those with longer sentences to do the more skilled labour, such as dressmaking, needlework, etc. Of course, the Prison Authorities have to rely upon Government Departments, such as the General Post Office, the Admiralty, the War Office, the Office of Works, and the Stationery Office as employers. They do not undersell the current wholesale rates.

It was curious to find how well prisoners responded to the call for patriotism on the outbreak of war. Naturally, there was no lack of employment, and in spite of the withdrawal of men and women for national service, the average value of the prison labour during the war was nearly £9 per head greater than for the previous five years. Over twenty million articles were supplied to various Government Departments.

There are certain practically insoluble problems in regard to prison labour, of which the principal is the necessity for giving the warders time for meals and recreation. You cannot have a large body of men in workshops with a depleted staff, because at any moment two or three unruly prisoners may incite the rest to mutiny, and the working day is therefore very short. Time has also to be wasted in locking up the cells, unlocking them, sending the men to exercise, and taking the roll. In convict prisons I cudgelled my brains for a form of employ-

ment for the outside labour parties in wet weather. The principal warder in charge of these gangs had to use his discretion about marching the men in. Most of them were local men who knew all there was to know about the Dartmoor weather. They could tell whether they were being rained upon by a passing shower or whether they were in for a wet afternoon. In the latter case the men were marched in and if they were wet through their clothes had to be dried in the laundry. Otherwise, seated on forms in the various halls, they were given oakum to pick. We never succeeded in finding an employment suited to unskilled men in which elaborate tools and equipment were not required.

Looking back over some years of prison life, I should compare the lot of the convict to that of a lay brother in a monastery, with, of course, the difference that the lay brother gives his services voluntarily and the convict more or less against his will; but the discipline, the frugal fare, the chapel-going, and the little monastic cell are the same in both, and both become equally engrossed in their work. I should compare the attitude of the warder towards his charges to that of the good groom towards his horses. When one of these lashes out, the groom does not take himself to the pitchfork, but tries first of all to soothe the restive animal. Too much familiarity between the junior warders and the prisoners is discouraged, because it is impossible for a man to maintain his authority if he gives orders at one moment and laughs and jokes with his men the next. It is the superior staff who should cultivate their sympathy and enter into their hopes and fears for the period after discharge.

## CHAPTER XIX

### THE VAGRANT

VAGRANCY has been with us since the days of the Amalekites. It was so great an evil after the Black Death in the fourteenth century that there were penal enactments against it, for with the Black Death wages rose enormously and labourers left their settlements and took to the roads. It was idle for Parliament to stem the economic tide. Serfdom broke down, and with it mendicancy and vagrancy grew enormously. There was a second great outbreak after the dissolution of the monasteries. Up to that time the monasteries had discharged the functions of the Poor Law Guardians, and when they were dissolved even skilled men were driven to vagrancy and outlawry to live. Greater penalties were imposed under the Elizabethan Law of Settlement. The wandering vagrant then became a suspected or criminal person and the terms "vagrancy" and "crime" became almost synonymous. At the beginning of the nineteenth century there were no less than fifty enactments relating to vagrancy which had accumulated through four centuries of legislation. In 1824 an attempt was made to consolidate them, and the Act then passed still breathes the Tudor spirit in some of its clauses. Roughly, the offences under the Act can be divided into three classes :

- (1) Offences committed by vagrants, such as

begging, trading as a pedlar without a licence, telling fortunes, sleeping in outhouses, and wandering without visible means of existence.

(2) Offences against the Poor Law, such as leaving a wife and family chargeable to the rates, returning to and becoming chargeable to a parish after being removed therefrom by an order of the magistrates, refusing or neglecting to perform the task of work in a workhouse, or damaging clothes or other property belonging to the Guardians.

(3) Offences committed by professional criminals, such as being found in possession of housebreaking implements with a felonious intent, or being found on any enclosed premises for an unlawful purpose, or frequenting public places for the purpose of felony.<sup>1</sup>

In these days the offences for which vagrants are usually imprisoned are begging and sleeping out. Under the Act, any person begging in a public place is an idle and disorderly person liable to imprisonment for one month or a fine not exceeding £5. A person wandering abroad without visible means of subsistence or not giving a good account of himself is a "rogue and vagabond" and may be punished with imprisonment up to three months or a fine not exceeding £25. There is a third category of vagrant known as the "incorrigible rogue," i.e. a man who has been more than once convicted of an offence under the Act. When convicted at Petty Sessions such a man is committed to the next Quarter Sessions to receive his sentence, which may be a year's imprisonment or corporal punishment.

There is another class of vagrant who is not sent to prison. This is the destitute wayfarer or casual pauper. No special provision was made for him when the whole question of the Poor Law was dealt

<sup>1</sup> *The English Prison System*, by Sir Evelyn Ruggles-Brise, K.C.B.

with by the Act of 1824, and during the years following that Act there was an alarming increase of the non-criminal vagrant. Consequently, the Casual Ward was established in every workhouse. There was no power to detain a man for more than four hours after breakfast on the morning after admission. It was not until 1871 that detention was prolonged to the third day on proof that there had been more than two admissions during the month, and it then became necessary to frame regulations analogous to those under which men are detained in prison, namely, a fixed dietary and tasked labour. The Casual Ward thus became a sort of miniature prison for very short sentences. It was obvious that the Casual Ward must not be made an attractive place, because the number tended to rise. The average number on a given day during the early 'seventies had risen from 2,945 to 8,012 during the five years before 1913. Among these paupers are some who refuse to do their tasks and destroy their clothing, and these help to swell the prison population. During the last twenty years of the nineteenth century the number fluctuated between 2,000 and 4,000. In 1901 they increased to over 5,000, and there was at once a cry that paupers preferred prison to the workhouse and that the prison conditions were becoming too attractive. I have asked many paupers why they preferred prison to the Casual Ward. They have nearly all made the same reply—"Because in prison the officers treat you like a man and in the workhouse they order you about like a dog." That is their version, but it is not the true one.

I do not know that the psychology of the vagrant has ever adequately been studied. A peculiar spiritual anæmia seems to settle down upon even

a skilled labourer a very few weeks after he begins to tramp in search of work. I have known only one case where a confirmed vagrant returned to regular life. It was in Northampton Prison. Every afternoon, about the time when the prison van returned from the Courts, I used to go down to the reception to see who had been sent in. As a rule they were tramps and drunken shoe-hands, with seven or fourteen days to serve and without any special interest about them. One afternoon a slouching-looking tramp who was waiting his turn for the bath answered my question in an educated voice, and when I pressed him for an account of his life he told me that he had been through a public school and a certain university. At that critical time when a boy has to choose a profession and go through the mill of its lower grades his courage or his enterprise had failed him. He hung about his home, and then, rather than burden his relations with his keep, he had wandered off with a few pounds in his pocket and had taken to the road. He did not like the life, but there was no other life to live, and so he had drifted down step by step in the scale till he had parted even with the love of personal cleanliness, and now before him lay six days in prison, during which his clothes would be cleaned and disinfected, and—another long tramp on the road northward, with a haystack or a casual ward to sleep in, a prison here and there on his route to the border, and then the long and aimless tramp back again. What he did not know about the rival merits of casual wards no other could know. I determined to make a strong effort to redeem this vagrant, if only as an experiment. He had a brother fairly well-to-do, and from him and the Aid Society combined I

obtained sufficient money to send him to South Africa to enlist in one of the regular forces that were mobilized for the Boer War. It was something that he actually found the energy to write to me afterwards and tell me how he was doing. According to his own account, he had shaken off his ten years' lethargy and was a new man. In this case, no doubt, education had made it much easier to revive self-respect. I doubt whether I should have been so successful with the ordinary labourer or even with the artisan.

I do not profess to know enough of the vagrant to be in a position to generalize about his psychology. Probably every generalization would be false, and there is as much variation in character among vagrants as there is among industrious people, but I do remember noting that a carpenter or a skilled fitter, if he took to the road in search of work for six months, seemed to degenerate into a hopeless vagrant, and it is this which fills me with alarm when I think of the number of men who are now receiving the unemployed "dole."

I am quite certain that prison is not the proper place for the vagrant who has committed no criminal offence. It is obvious that he cannot pay his fine. It is equally obvious that he may become a danger to the community and that sooner or later he will probably engage in petty pilfering, but there should be a special institution, as there is in several foreign countries, for this class of person, where he would not be treated under penal discipline, but would be encouraged by some system of privileged earning to engage in steady work either on the land or at a trade. Quite a number, doubtless, would revert to their old life, but a percentage would be redeemed,



and in the meantime society would be rid of them for a considerable period and the casual wards throughout the country might be closed down.

Vagrancy is still dealt with under the old law of 1824, and the laws of a hundred years ago have little relation with the facts, habits, and the ways of thought of to-day. No one stops to inquire what becomes of the vagrant when the police have laid hands upon him. Probably few people know that Quarter Sessions have power to order him a flogging if he is proved to be an incorrigible rogue—in other words, if he has had a number of previous convictions. "Incorrigible" is a word that ought not to appear in any statute—least of all, as I shall show, in a statute dealing with vagrants, for during the war, when labour was in high demand, the number of vagrants committed to prison fell by 93 per cent. Up to 1914 there had been a steady rise for nearly twenty years. The average number of vagrants committed to prison was more than 37,000 a year, and in 1913 the vagrants were as much as 11 per cent. of the total receptions into prison taken over the whole country, while in certain counties, such as Lincoln and Cornwall, they formed more than half the receptions. In 1913-14, 15,000 vagrants were in prison; in 1918-19 there were only 1,066.

Apparently an idea had begun to grow in the minds of the magistrates that committing to prison was a quite ineffective way of dealing with the vagrant, for there had been a decrease in commitments from 1910 to 1914. But there was another reason for this in the Way-Ticket system adopted by some of the police forces, under which a vagrant was passed quickly through a county towards his destination and provided with food at the casual

ward without the necessity of begging for it ; but however this may be, it is certain that the rise and fall in vagrancy follows the rise and fall in employment. In years of severe depression, such as 1909, the figures of vagrancy touched their highest point, 45,508 ; and that did not cover all the vagrants in prison, because many of these had committed offences of another kind. On a given day in that year it was found that no less than 30 per cent. of the prison population consisted of vagrants, and of these, 82 per cent. had been previously convicted and 32 per cent. were classed as habitual vagrants.

The Local Government Board has not been idle. In London the control and management of the casual wards is vested in the Metropolitan Asylums Board, and the Board has lost no time in unifying the conditions which formerly had varied very much according to the caprice of the Guardians. The result has been remarkable. Of the twenty-eight casual wards which were open in 1912 only six remained in use at the end of 1919 and the average number of inmates had fallen from 1,114 to 82. A Committee which had inquired into the question of vagrancy in 1904 reported that the *bona fide* working-man in search of work formed under 3 per cent. of the whole. The rest are composed of those who will not stick at a job because they like change and the able-bodied work-shy who would not take a job if it were offered them. There is, beside, a small and pathetic class of old people of both sexes who are unemployable and prefer to wander from one casual ward to another rather than enter the workhouse infirmary. I think that no one need have any compunction in dealing drastically with the able-bodied work-shy men, and if they reappear in any

number some system of compulsory control and work might be applied to this class of person first of all. As generally happens in this country, we are now drifting without a policy, perhaps in the hope that the present low figures of vagrancy will continue. When it begins to increase again Parliament may suddenly wake up and introduce some system of vagrant colonies adapted from the Belgians and the Swiss. When there are cases on record of persons who have had from 50 to 87 previous convictions for begging or sleeping out, all of which were served in prisons, it is clear that something ought to be done.

## CHAPTER XX

### AID ON DISCHARGE

IF it were possible to provide remunerative employment for every prisoner on his discharge from prison our convictions would be diminished by at least 50 per cent. The work of Discharged Prisoners' Aid Societies is perhaps the most thankless and exasperating of all the philanthropic works in this country. It is not so much the quality of the material with which the Aid Societies have to deal as the impossibility of obtaining the kind of work for which the men and women are suited, and so it comes that many of the older Societies get into a groove and, knowing the uselessness of hawking their protégés around the town, expend the gratuity and a little of their own funds in buying a coster's basket and stock, and sending out the discharged prisoner to sink or swim. For such work men and women who are burning with zeal are urgently needed, but the people who burn with zeal cannot keep their white-heat for very long, and if they do, their judgment and their common sense, which are an equally necessary part of their equipment, are apt to wither in the heat.

The fault, no doubt, lies with Society, but Society is composed of individuals such as you and me, and when there are honest men and women clamouring for employment we should be more than human if we chose people who are presumably more likely

than the others to abuse our trust in preference to those who start with a good character. If, therefore, the Aid Societies fall far short of what is expected of them, we ought to remember that they start with a heavy handicap and that we ourselves carry a large share of the responsibility.

A Discharged Prisoners' Aid Society is attached to every prison in the country. Some of them enjoy bequests for the relief of prisoners, of which a few date as far back as the fifteenth century. Under an Act of 1792 judges and justices were authorized to order any prisoner on discharge to be conveyed at the public cost to his own parish. The first actual Society, which still exists, is the Sheriffs' Fund Society founded in 1807-8 for the relief of necessitous prisoners discharged from Newgate. Another Society, known as the Temporary Refuge for Distressed Criminals, was founded in 1818, but was afterwards closed for lack of funds. In 1823 an Act of Parliament was passed, authorizing justices to pay small sums to discharged prisoners out of benefactions or as part of expenses, and immediately a number of Societies came into existence. At Birmingham they went very far. The Society employed an agent to canvass employers for work and to find lodgings for the discharged prisoner. In certain cases it gave a guarantee to the employer against loss sustained through accepting one of their protégés. At Worcester in 1840 they went even farther. As an inducement to the employer a weekly sum of money might be granted for three months. At Gloucester in 1856 prisoners were maintained free of charge for a fortnight on the understanding that when the man had obtained employment he repaid the institution. In the same

year an Industrial Home was founded at Wakefield which was said to be self-supporting.

The success of the Birmingham experiment is said to have led to the passing of the Act of 1862, which gave power to the justices to pay a sum not exceeding £2 to the Aid Societies to be expended on behalf of the discharged prisoner. This was re-enacted in the Prison Acts of 1865 and 1877.<sup>1</sup>

It was thus recognized from quite an early period that there was an obligation upon the community to supplement voluntary effort out of public funds. If the permissive clause relating to aid on discharge had been used to any extent the burden upon public funds would have been considerable, but in fact it was used very sparingly. For example, for the three years 1875, 6, and 7, the total discharges from local prisons were about 370,000 and the total gratuities paid to prisoners about £11,000, or about 7*d.* per head. Probably this was due to the extreme difficulty of choice. The Commissioners must always have been against making a considerable money grant to badly behaved prisoners, because it conflicted with the declared policy of making prisoners earn their gratuity as an inducement to good conduct, and the maximum gratuity was fixed at 10*s.* 0*d.*

After various vicissitudes in the matter of aid on discharge, a conference of Aid Societies was called in December 1878, to "protest against the failure of the Stage or Mark System for the purpose of aid on discharge," and a resolution was passed demanding a grant to the Aid Society in addition to the gratuities at the rate of 1*s.* a head on the total discharges. After some correspondence, the Treasury agreed to the principle on certain conditions.

<sup>1</sup> *The English Prison System*, by Sir Evelyn Ruggles-Brise, K.C.B.

The grant was not to exceed £2 and it should be made only to prisoners recommended by the Prison Authorities as being industrious and well conducted.

The new system did not work very well, and the Departmental Committee on Prisons in 1894 reported adversely upon the unnecessary variation in the methods adopted by the various societies. In 1896 the Prison Commissioners compiled a model table of rules to which societies should conform if they desired to avail themselves of the Government grant. The Governor and chaplain should, in all cases, be members of the committee, and the visiting magistrates should also be members and take an active share in the management, especially when they were also trustees of the Prison Charity. A sub-committee of ladies was to take charge of the female prisoners, and there were to be agents outside the prisons whose duty would be to cultivate relations with the employers and obtain work for their charges.

Subject to the difficulties pointed out at the beginning of this chapter, it may be said that on the whole the Aid Societies do their best. They vary considerably : some of them fall into a groove and end by assisting only those who have commended themselves to the chaplain, allowing most of the others to take their gratuity and go. Other societies are far more conscientious, but the tendency in all is to leave to the chaplain and the Governor most of the routine work because they are whole-time officers and are far better acquainted with the individual character of the men than any person can possibly be who sees the prisoner only once or twice.

As a matter of fact, the Commissioners themselves

came reluctantly to the conclusion that the gratuity system in local prisons was not a success. It was originally borrowed from the penal servitude system and, necessarily, it applied only to the small number of prisoners who had sentences over one month. The others did not stay long enough to earn anything at all, and yet the State was paying in gratuities in 1898 about £8,000 a year and between £3,000 and £4,000 by way of grants to Aid Societies. To this total of about £11,000 a year the Aid Societies were contributing about £10,000. Sir Evelyn Ruggles-Brise was determined to obtain a change. All gratuities were to be abolished, the Government grant was to be doubled and the money was to be placed at the disposal of the Aid Societies on condition that they satisfied the requirements of the Prison Commissioners.

The effect of these proposals, which were approved in 1913, was largely to increase the money received from public funds by each Society on conditions which it was hoped would do away with the mechanical disbursement of the gratuity. Each Society was to appoint a sub-committee to meet weekly at the prison and consider the case of every prisoner who was to be discharged in the ensuing week. All the superior officers of the prison, except the medical officers, were to be members of the sub-committee, and whenever the work was sufficient to justify it the Society was bound to appoint an agent to find employment for discharged prisoners and lodgings or homes for those who had no place to go to; to continue visiting the hopeful cases and to see the prisoners off at the nearest railway station; every Society was to keep a record of its dealings and publish an annual report audited by a



chartered accountant. The money granted from public funds was to be expended and not invested. No deserving case, whatever the length of sentence, was to be passed over. In 1918 a further advance was made in reorganizing a Central Body, called the Central Discharged Prisoners' Aid Society, on which the Prison Commissioners are represented.

According to the official reports, the new system is working well. What official reports always ignore is the difficulty of dealing with those who do not want work at all but intend to have a good time as long as the money lasts and then take the line of least resistance, which of course means the easy road to prison. It is, however, safe to say that in these days no man who wishes honestly to lead a new life fails for lack of a helping hand. There are, unfortunately, so few of them that they are jumped at with pathetic eagerness by every member of the Discharged Prisoners' Aid Society.

Youths of both sexes discharged from Borstal Institutions are dealt with by the Borstal Association, and the gratuity system remains in force for young prisoners who are treated under what is called the "Modified" Borstal System in local prisons. These prisoners are not entitled to earn remission in the same way as other prisoners, and the maintenance of the gratuity system is some incentive to good conduct and industry. As I have already said, the Borstal Association claims to have been successful in reclaiming over 70 per cent. of the boys between sixteen and twenty-one who are committed to their care. They have been less successful with the girls, perhaps because in the past they have not sufficiently recognized the danger of putting these young persons out into domestic or factory service without a pre-

liminary period of training in a suitable home, where an attempt can be made to bring them under good influences, for it must be remembered that a very large number of these girls have gone wrong before they come to the Institution and not a few have begun to drink. Their will to reform is almost entirely lacking and the one hope for them lies not in throwing them on to the labour market, but in acquiring and keeping a personal influence over them. In the old days it is to be feared that Discharged Prisoners' Aid Societies, which disbursed the gratuities of from three to six pounds, granted under the rules, did very little beyond doling out the money.

Great efforts, too little recognized, are being made by the Prison Commissioners to reduce the number of persons for whose welfare the law makes them responsible. It is to Sir Evelyn Ruggles-Brise that most of the modern reforms are due—the power to make part payment of fines, the Borstal system for young criminals, Preventive Detention for habituals, the Central Association for the after-care of discharged convicts, and the grants-in-aid to Discharged Prisoners' Aid Societies ; but if the stream of crime is to be reduced it must be cut off at its source, and that can only be achieved by so improving the police machinery that professional crime ceases to be profitable.

## CHAPTER XXI

### THE MOVEMENT OF CRIME

A "CRIME wave" is generally the creation of the newspapers. It is enough for three or four murders to be reported in rapid succession for the press and the public quite reasonably to assume that there is a great rise in serious crime. There is, however, only one index, and that is the Criminal Statistics compiled by the Home Office with a care and elaboration not to be found in any other country. A rougher but equally trustworthy index is the annual report of the Prison Commissioners which analyses the population of the prisons in the previous year. Both papers are printed and presented to Parliament.

Contrary to every expectation, there has not been a crime wave since the war: the inference that thousands of young men trained in the daily use of deadly weapons at the Front and suddenly scattered over the country in free life would be prone to settle their quarrels or gratify their desire for revenge or for plunder with the pistol or the knife has not been realized; even the belief that children who had for four years been running wild, while their fathers were at the Front and their mothers working at munitions, would swell the records of petty crime was only partially justified.

One way of measuring crime is to take the ratio of convictions per 100,000 of the population. Fortunately, we have trustworthy figures from the year

1873. During the five years 1873 to 1877 serious offences, such as homicide, wounding, sexual offences, burglary, and fraud, were 15,298, which represented 63·62 per 100,000 of the population of England and Wales. The ratio decreased progressively during the succeeding periods of five years till 1913 to nearly half, namely, 33·89 per 100,000 and actually to 12,511.

Less serious offences indictable before Superior Courts, but also dealt with summarily, have in the same period decreased from a ratio of 154·90 to 137·48 per 100,000, though they increased in actual number from 37·245 to 50·758. It must be remembered, however, that nearly 40 per cent. of these offences are committed by children and young persons who, under the Children Act, 1908, are, to the number of nearly 60 per cent., dealt with otherwise than by conviction.

The third category of minor offences which are criminal in character, such as assaults, wilful damage, etc., have, during the same period, decreased by more than half—from a ratio of 567 to 192, and actually from 136,390 to 71,124.

These three categories include all offences of a criminal nature. There is a fourth category which counts largely in the prison population: this includes drunkenness, offences against police regulations, By-laws, Highway and Education Acts, and this class of offence rose continuously from 1873 to 1907 and then fell. In 1913 the ratio per 100,000 was lower than in 1873. The figures are so instructive that they are given in full on page 206.

We were becoming a more sober people even before the war.

In 1883 the number of persons in prison was as

Offence.	Quinquennial Averages.					
	1873-77	1883-87	1893-97	1903-07	1908-12	1913
Drunkenness .	195,682	180,462	179,496	219,675	188,813	204,038
Education Acts, offences against	18,320	80,566	64,924	56,117	40,763	44,030
Highway Acts, offences against	16,743	18,847	30,677	47,313	62,405	76,011
Police Regula- tions, By-laws, breach of .	59,393	62,028	88,848	131,600	100,842	106,509
Vagrancy .	15,193	26,694	25,228	34,857	41,267	27,523
Total non-crimi- nal offences .	434,620	496,341	534,844	630,474	578,486	609,166
Ratio per 100,000 of population .	1807.50	1823.39	1756.38	1854.94	1616.25	1649.99

high as 622 per 100,000 of the population, and in 1914 it was the lowest then recorded—369. During the war period it fell, as will presently be shown, to 70.

There has also been a remarkable decrease in the number of persons sentenced to penal servitude. In 1872 there was a convict population of 8,823 males and 1,249 females. In 1913 it had fallen to 2,568 males and 98 females—a decrease of more than 70 per cent. This is partly due to a disinclination on the part of the Courts to award penal servitude and partly to the shorter sentences which naturally result in reducing the convict prison population.

The fall in the conviction of persons under twenty-one years of age is surprising. In 1848, the earliest year in which the figures were recorded, the number of persons convicted between the ages of sixteen and twenty-one was 27,631; in 1913-14 it was 7,178. In 1883 the ratio was 1,164 per 100,000 of the population of that age; in 1914 it was 212. It is even more satisfactory to find that the average age of prisoners is higher year by year than it was, for it

means that there are fewer recruits for the criminal army. It is natural for the authorities to put this to the credit of the Borstal and Modified Borstal reformatory measures. The Borstal Association claims that only 27 per cent. of the lads discharged from Borstal Institutions have been reconvicted. Nothing is said about deaths or emigration and possible reconvictions abroad ; but assuming the figures to be correct, the Borstal System has justified itself, for it must be remembered that most of the youths committed to Borstal are not boys who have made a single slip, but youths " of criminal habits and tendencies." But while these figures are encouraging, it must not be assumed that if they had been sent to prison instead of to Borstal, they would all have been reconvicted. Figures taken at Stafford Prison showed that 66 per cent. of the persons received for the first time into prison under ordinary treatment did not return there, and only 34 per cent. were reconvicted.<sup>1</sup> But this included every class of prisoner—non-criminal as well as criminal—and it is therefore not a fair comparison with the class which goes to Borstal Institutions. Probably the results are due as much to the care taken of the lads after discharge as to the special treatment in the Institutions, good as it is. On the question we have to bear in mind that unless the number of first convictions is maintained, one can make no comparison between one period and another. The fewer first sentences there are, the higher the percentage of

<sup>1</sup> The offences most prone to recur are drunkenness, burglary, and theft. No less than 43 per cent. of those first convicted of drunkenness were reconvicted, and the reconvictions for burglary and theft were 34 and 30 per cent. respectively.

The number of first offenders who had not returned to prison

reconvicted men. The healthiest symptom would be a gradual increase in the proportion of reconvictions, until the Utopian pinnacle of 100 per cent. were reached. We should then only have to wait until that generation of recidivists had died out.

While crime is decreasing, the number of men and women who are convicted time after time is a very serious matter. In convict prisons the percentage of such reconvictions was 87 for men and 67 for

after five years, and the number of times those who had been reconvicted had returned to prison to the end of 1910, were as follows:

3,529, or 66·4 per cent., of the total first offenders have not returned.

952, or 17·8 per cent., returned once.

427, or 8 per cent., returned twice.

174, or 3·3 per cent., returned three times.

122, or 2·3 per cent., returned four times.

90, or 1·7 per cent., returned five times.

22, or 0·4 per cent., returned six times and over.

Of the prisoners reconvicted:

About 17 per cent. were under twenty-one on reception into prison for the first time.

About 29 per cent. were twenty-one and under thirty on reception into prison for the first time.

About 26 per cent. were thirty and under forty on reception into prison for the first time.

About 16 per cent. were forty and under fifty on reception into prison for the first time.

About 8 per cent. were fifty and under sixty on reception into prison for the first time.

About 4 per cent. were sixty and over on reception into prison for the first time.

The tables show also that of those prisoners who return to prison, over 80 per cent. do so within two years of their first commitment, the actual figures being as follows:

Of the 1,787 reconvicted: 1,468 returned within 2 years. .

122	"	"	3	"
81	"	"	4	"
46	"	"	5	"
70	"	after	5	"

women, but it must be remembered that if one excludes the Star Class many of these men and women have gone very far down the road before they reach the convict prison at all. The root of recidivism is not to be found in the prison, but in Society itself. We are taking the figures at a time most unfavourable for hope, because before the institution of probation and the Borstal System, we had all these people on our hands. They will die off in less than a generation, and meanwhile there are fewer to take their places, and even among convicts recidivism appears to be decreasing, for since the institution of the Central Society for the Aid of Discharged Convicts the number of reconvicted men fell from about 70 per cent. to about 50 per cent. The petty recidivism in local prisons belonged largely to the vagrant class, of whom many were mentally defective. But for some reason hitherto unexplained, the vagrant has almost disappeared since the war. Before the war 27,000 had been committed annually for this offence, while in 1918 only 1,066 were received and these were the aged and the mentally or physically weak. It is not on account of the dole, for there is no dole in France, Belgium, or Holland, where the vagrant has also failed to reappear. At one prison it was found that out of 700 vagrants received during the year, 236 served from two to seven imprisonments during that year, and the total previous convictions of these 236 men amounted to over 2,000. At another prison it was found that 92 persons who were classed as feeble-minded had between them amassed a total of 1,270 convictions. The proportion of mentally defective persons in the prison population remains about the same, and therefore the hopes inspired when the Mental



Deficiency Act, 1913, was passed have not been realized. It was hoped that the prisons would be purged of this class, but so far there has not been sufficient accommodation for defective persons elsewhere. The Vagrancy Committee of 1906 made certain recommendations which, if they were carried out, would undoubtedly relieve the returns of petty recidivism.

The outbreak of war in August 1914 was a social upheaval that could not leave the prisons untouched. During the war the average local prison population fell by 52 per cent. in the case of males, and 40 per cent. in the case of females. If it had not been for 2,000 prisoners committed by Courts Martial, the fall would have been much greater. A large proportion of the daily average population was composed of cases committed by local tribunals under the Military Service Acts, and were ultimately committed to prison for breach of military discipline. There were, besides, a great many cases under the Defence of the Realm Act. Excluding all these, the daily average male population in 1918-19 had fallen by no less than 60 per cent. from the number at which it stood before the war. There was a fall of one-half in the average population of convict prisons and a very striking fall in the number of convictions. For example, serious offences were 7,738 in 1914 and 3,486 in 1918—a fall of 55 per cent.; and the non-indictable offences fell from 113,088 to 13,996—an average of 88 per cent. This does not imply that war is an ideal social state for a community: crime was falling before the war, and the general call upon the manhood of the nation drew a great number of potential criminals into the ranks of the Army. There were endless oppor-

tunities for employment for those who, in ordinary times, could not get work, and no doubt the spirit of patriotism which invaded every class kept people out of mischief. There was, besides, the fact that under the Criminal Justice Administration Act, 1914, there were new facilities for the payment of fines. Before that Act was passed between 75,000 and 100,000 persons had been committed annually in default of payment, whereas at the end of the war the number had fallen to only 5,300. The high wages and the obstacles in the way of obtaining drink had much to do with it.

The only crime which increased markedly during the war was bigamy. There was a great fall in burglary and house-breaking; larcenies, including the less serious cases, fell from 22,459 to 8,915, or 60 per cent. 51,851 persons were received in 1913 for drunkenness and in 1918 only 1,670, a fall of 97 per cent. Assaults, which are largely due to drunkenness, also fell from 8,666 to 1,269, or 85 per cent., and offences against Police Regulations from 8,661 to 889 or 90 per cent.

Soon after the outbreak of war there were drastic restrictions on the sale of intoxicating liquor, and we have not yet returned to the licence that prevailed in pre-war times. The convictions for drunkenness fell by 86 per cent. in the case of males and 79 per cent. in the case of females. The evil of drunkenness and all the misery that it brings in its train can scarcely be too strongly condemned, but after having seen Prohibition in reputed application in the United States, I am not sure that the remedy is not worse, in the long-run, than the disease. For I can imagine nothing worse for a community than to pass laws which cannot be enforced, or to let its children grow

up in contempt for the law, as is inevitable when they have daily evidence that their parents hold one at least of the laws in derision.

From all these facts, it may be deduced that when employment is easy and plentiful and there is, at the same time, a severe restriction on the opportunities for spending wages in drink, there will be a very marked decrease in the number of convictions in many classes of offence. In times of great trade prosperity, when employment is plentiful and wages high, the effect upon convictions in the Courts has been obscured owing to the enormous increase in convictions for drunkenness which, in some previous years, represented one-third of the whole of the receptions into prison. The great fall in the prison population made it possible at various dates to close prisons representing one-fourth of the total cellular accommodation of the country.

It did not surprise anyone who knew the character of convicts to learn that a very large number of recidivists had joined the Army before conscription came into force, and that numbers of others were serving on mine-sweepers. The love of adventure, which brings so many of these men into trouble, found its outlet in service against the enemy. The regimental *esprit de corps* did the rest. In one case a recidivist ex-convict won the V.C., and was afterwards killed in action. Numbers of others received decorations. Generally speaking, however, there was a tendency on the part of the criminal to gravitate towards the lines of communication. Their past was never revealed to the regimental officers. During the early months, the line was drawn at only one Corps—the Royal Army Medical Corps—because the temptation offered to stretcher bearers to steal

from the wounded might be more than such men would be able to resist. A certain number incurred imprisonment at the base for misconduct of various kinds. On the whole, however, the men did well. At one time a Roll of Honour was compiled at New Scotland Yard, but unfortunately it was lent for the purposes of an Allied exhibition in the United States, where it disappeared.

Seven years have passed since the Armistice. Some millions of men returned to civil life at a time when there was much industrial unrest, and there have been modifications in the sale of intoxicating liquor. Nevertheless, the ordinary prison population is still 36 per cent. below what it was at the time of the outbreak of war.

So much for those who tell us there has been a crime wave. As far as statistics are available for the years following wars of the last century, it seems that there was an increase of crime due to industrial depression, and that on the revival of trade figures fell to their normal level. The unemployment dole has no doubt kept a very large number of persons out of prison, and with the revival of trade, which must come under the ordinary laws of action and reaction, it is probable that the downward tendency of crime will be maintained.

## CHAPTER XXII

### A REMEDY

ALTHOUGH in the general sense there has been no crime wave since the war, it is significant that, while all other crimes show a downward tendency, burglary and house-breaking, which are the crimes of the professional criminal, have actually increased. No less than 87 per cent. of the males in convict prisons belong to the Recidivist Class, and all but a few of these live professionally by predatory crime. They are not feeble-minded, but full of courage and resource, and if repeated imprisonment has failed to deter them, it is only because but a tithe of their misdeeds have been detected. They take the rough with the smooth: a term of penal servitude is one of the accidents of their profession, and a sensible man does not waste time in bewailing accidents. On the contrary, he determines to get to work again at the earliest possible moment, and to this end he takes care not to lose remission marks by misconduct.

The elimination of this class from the criminal returns would have a startling effect upon the criminal statistics; for the professional criminal, as any young offender will tell you, is a recruiting sergeant for the criminal army. Even more important is the detection and punishment of the receiver of stolen property, who alone can make the field-work of the predatory criminal profitable. It

is not an insoluble problem ; the solution is to be found not in the prisons, but in the detective police. If the work of this body had kept pace with changing methods of the professional, it is safe to say that many of these would have gone out of business. The following figures, taken from the Criminal Statistics, show how far they have lagged behind. For the five years 1913 to 1917 the number of indictable offences reported to the police averaged 87,141 per annum, and of these the police detected and prosecuted 73 per cent. For the five years 1918 to 1922 the average of offences was 99,398, and the average of arrests and prosecutions fell to 62 per cent. Of course, the war affected the number of crimes committed. In 1915 indictable crimes touched their lowest level, 77,972, but of these the police accounted for 76 per cent. During the post-war years there has been a steady rise in the number of indictable crimes, as shown in the following table. The number in 1922 exceeds that of 1912 by 5,323, and side by side with this increase the percentage of police efficiency fell from 72 per cent. to 56 :

Year.	Number of indictable crimes reported to the police.	Persons arrested and dealt with.	Percentage.
1912 . .	101,997	73,642	72
1913 . .	97,933	69,265	70
1914 . .	89,387	63,665	71
1915 . .	77,972	59,287	76
1916 . .	80,653	61,851	76
1917 . .	88,864	65,016	74
1918 . .	87,762	64,488	69
1919 . .	87,827	57,788	65
1920 . .	100,827	64,383	62
1921 . .	103,258	64,276	62
1922 . .	107,320	60,767	56

In drawing conclusions from these figures, especially those under the heading of " Crimes

reported to the Police," great caution is necessary, for much depends upon the bias of the officer to whom the report is made. One inspector may include every complaint made to him; another may have reason for assuming that a report of theft is made in respect of property lost through carelessness and refuse to include it in his return. Or he may have a suspicion that a burglary is reported to cover a fraudulent claim for insurance. It is, at the most, a rough figure, but since the tendency to error is constant from one year to another, any fluctuation may be taken to indicate a change for better or for worse in police efficiency.

The statistics for London in 1923 are even less satisfactory. The number of burglaries, house- and shop-breaking, attempts, and entering with intent known to the police, was 3,420, and the arrests were 889, or 25 per cent. !

How is the decline in police efficiency to be explained? If we are to be content with arresting little more than half the people who prey upon Society, we must be prepared for a steady increase in crime, despite all the efforts made by the prison authorities and after-care associations to reform their charges. The business is becoming too profitable and the risk too small to be neglected.

The professional criminal is a very practical person. The rule that guides him in prison life has the same force with him in free life—that nothing is worth doing unless it pays. It does not pay to argue with a warder about an unreasonable order, because a report for insolence may result in the loss of remission marks. It does not pay to complain of the behaviour of the warder, because he may, as they say, "get his own back." If his first crime had been

detected and his second, he would have committed no third, but in fact, unless he has had exceptionally bad luck, it is not the first or even the tenth of his offences that has brought him into the dock. Like most young criminals, he entered upon his criminal career in the spirit of adventure, and the whole essence of the adventure would evaporate if it were to end infallibly in a convict prison. The case is even stronger with the receiver of stolen property. There are many receivers in London who have never been convicted at all. Though they are under police suspicion, there is not sufficient evidence for prosecuting them, and some of these men are growing rich upon the proceeds of the crimes of others. The prison system has had more than its share of criticism for its failure to deal effectively with the Recidivist, while the real cause of recidivism—the failure in bringing the majority of offenders to justice—seems to have escaped the vigilant eye of the critics altogether.

The first object of any civilized penal system is the protection of society. It does not very much matter whether this protection proceeds from the reform of the criminal in prison or from deterring him, provided that he goes and sins no more. The fact that the length of sentences and their severity have been declining side by side with the falling off in the volume of crime seems to indicate that it would not matter what sentences were pronounced provided that the punishment for every crime were swift and sure.

We have only to turn to other countries to see what happens where criminal justice is neither sure nor swift. In the United States a year or two ago, homicides worked out to 1 in 12,000 of the population



against 1 in 635,000 in England and Scotland. It was not only that the police are only half the number considered necessary in this country in proportion to the population, but that even when a murderer is detected and arrested there are so many delays in the way of extradition from State to State and in appeals that no one feels sure that the sentence will be carried out. Crime has become a great game in which the dice are loaded against the police.

In some directions the Metropolitan police have proved how certain classes of crime may be stamped out. The making of counterfeit coin and the forgery of notes in London, once a common crime, are now comparatively rare, because a special body of expert detectives convinced the coiners and forgers by its activity that the business did not pay. It is probable that if similar bodies were formed and attached to central detective divisions in the great cities, to deal with receivers, they would find the ordinary powers of the police sufficient to cope with the evil without special legislation. The police are always hampered by the one conspicuous virtue of the professional criminal—that he will seldom give information that will implicate others, but there are, nevertheless, sources of information which must have been neglected, if we may judge from the poor record of police prosecutions during recent years. One of the factors that gave Charles Peace so long a run of immunity was the fact that he worked alone. The risk of detection increases progressively with every confederate who may be indiscreet, even if he is not disposed to treachery. The prevention of crime is more important than detection, and if the

police were to concentrate upon developing its sources of information upon the offences which are planned beforehand, they would not only prevent the commission of many serious crimes, but would produce a depressing and discouraging atmosphere for the professional criminal which would soon make itself felt in the criminal statistics.

I have already referred to another factor that tends to recruit the criminal army—the refusal to prosecute. The great shops are the worst offenders, and their refusal is not due to motives of pity for the person who has robbed them, but to the sordid consideration that their business may be prejudiced. Every one of these misplaced acts of mercy which look so well on paper breeds criminals, and in not a few the very man or woman who was spared adopts crime as his profession. Unfortunately, it seems that disinclination to prosecute is not confined to private persons. Lately, cases have come under my personal notice in which subordinate members of the Criminal Investigation Department in London have discouraged complainants from prosecuting on the ground that it is unlikely that the stolen property can be recovered, and that prosecution of people so poor will appear vindictive—though perhaps the real ground may have been that to record the complaint would swell the returns of undiscovered crime in the division. Such a policy, even when it is adopted only by subordinates, makes one doubtful whether the police returns of undetected crime can be accepted as a complete statement of the position.

Any doubt that may be felt about the pernicious effect of failing to prosecute is dispelled by the rise in cases of blackmail, which has recently been

discussed in the House of Commons. The blackmailer is essentially a professional of sound mind and intelligence, just the kind of person who would be driven out of business if it ceased to pay. It is not here that the criminal calculates upon the failure of the detective police : the blackmailer knows that a witness exists who can bring him to justice, but he counts upon the witness's fear of publicity in connection with the discreditable business on which he is threatened with disclosure. The suggestion of adding a flogging to the other penalties would not remove the root-cause—disinclination to prosecute ; the blackmailer would still rely upon the moral cowardice of his victim ; but if every blackmailer knew that his attempt to extort money by menace would inevitably land him in the criminal dock it would not matter what sentence were imposed, for there would be no blackmail.

It is, in fact, impossible to consider the movement of crime from the standpoint of the prisons alone : the question of police efficiency and the policy of the criminal courts in the award of sentences are at least of equal importance. Of all these factors, police efficiency seems to come first, the prisons second, and the courts third, because if a high proportion of the professional criminals were brought to justice long sentences would cease to be necessary. Penal servitude, except for grave accidental crimes, would be reduced to the capacity of a single small prison, like Maidstone : preventive detention would pass into history as a mere experimental episode in penal evolution.

To some extent the Forces escape public criticism on the score of economy. The police have obtained very liberal terms of service as compared with

members of the Civil Service. They can retire on a pension of two-thirds of their pay after twenty-six years' service, in some cases at the age of forty-seven, whereas the Civil Servant must serve until he is sixty and retire upon a less liberal pension. No one grudges the police these advantages, though the concessions that are justified in the case of constables who have to be continually upon their legs in all weathers are applied also to men who spend the greater part of their service as clerks in an office like any other Civil Servant. Anomalies of this kind to the profit of individuals are bound to occur in any service which is subordinated to general rules. Under the Geddes Committee report the strength of the Metropolitan Force was reduced by 970 men, and according to the Commissioner's report for 1923 the efficiency of the Force has suffered. But since, in the same report, the value of the Mounted Police is extolled, one is entitled to doubt whether economical use is being made of the men that remain. The Mounted Police were useful in their day, but the day has passed. The defence for them is that they are useful in controlling disorderly crowds, but a London crowd intent on mischief in these days would have the men off their horses in the first rush, since the modern paving gives no sure foothold to a horse, however he may be shod. Disorderly crowds are rare now in London ; horses are expensive, and in order that they may appear to be doing something, they are to be seen daily, moving in the crowded streets or sheltering in the lee of a refuge, to the obstruction of the stream of traffic. The modern appliance for dealing with disorderly crowds is the motor lorry filled with police and driven slowly along the line to which the crowd is

to be kept, or, in the case of a mob bent on outrage, the light tank.

There are other directions in which criticisms have been heard. A few months ago, when the number of burglaries had attracted public comment, it was announced that special cars, equipped with portable wireless transmitters, had been put upon the streets to enable police officers to report in code to headquarters at frequent intervals. As regards criminal investigation, these cars, if they are now in use, cut at the root of all detective work, for the one thing that the detective ought not to be required to do is to report what he is doing until the job is done. If he is to waste valuable time by reporting, or, still worse, if he is to seek advice from his superiors at every stage of his work, there will soon be an end to the self-reliance and resource which are the most valuable asset in his profession.

I mention these points because the question has been raised whether, in view of the growth of London, the detective force, which numbers roughly 700 men, or, if we deduct the Special Branch, 550 men, is sufficient. In my opinion it is not. For many years it has been the practice during the long nights of the winter months to attach to the Criminal Investigation Department a number of uniformed constables in plain clothes for the prevention and detection of burglaries. The practice is useful as a method of testing the abilities of aspirants for Criminal Investigation, and, as the danger of burglary diminishes in the summer and autumn, some such method of temporarily attaching men to the department is economical, though it depletes the force available for the ordinary beats. But if all crimes reported to the police are to be followed up as closely

as they deserve ; if special bodies are to be formed in the large cities, as I suggest, an addition in London of from fifty to seventy trained men, who have passed through the detective school, ought to be made. In a few years the tax-payer would see a return for his money in the reduced cost of the prisons.









